

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

MICHAEL CURTIS,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-24624

OFFICER JUSTIN CLOSE, et al.

Defendant.

ORDER

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 8, 2017, the Magistrate Judge submitted his Proposed Findings of Fact and Recommendation [ECF No. 40] (“PF&R”) and recommended that the court **GRANT** the defendants’ Motion to Dismiss [ECF No. 37] and **DISMISS** the plaintiff’s Complaint [ECF No. 2] for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

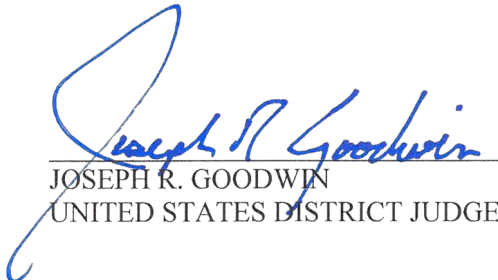
Neither party has filed objections to the Magistrate Judge’s findings and recommendations.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”

28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). As the parties have not filed objections in this case, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendations. The court **ORDERS** that the defendants' Motion to Dismiss [ECF No. 37] is **GRANTED** and the plaintiff's Complaint [ECF No. 2] is **DISMISSED with prejudice**, and **DIRECTS** this action to be stricken from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 14, 2017


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE