

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

CHARLESTON DIVISION

JOHN E. KEENEY, JR.,

Petitioner,

v.

CIVIL ACTION NO. 2:15-cv-03897

DAVID BALLARD,

Respondent.

ORDER

The action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this court of proposed findings and recommendation for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On May 19, 2015, the Magistrate Judge submitted findings and recommended that the court deny the petitioner's Application to Proceed Without Prepayment of Fees or Costs [Docket 10], grant the petitioner's Letter-Form Motion for Voluntary Dismissal [Docket 14], dismiss the petitioner's Letter-Form Petitions Under 28 U.S.C. § 2254 for Writ of *Habeas Corpus* By a Person in State Custody [Dockets 1 & 2], and remove the matter from the court's docket. (*See* Proposed Findings and Recommendation [Docket 15], at 3-4). 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 recommendations of the Magistrate Judge and orders judgment consistent with the findings and recommendations. The court **DENIES** the petitioner's Application to Proceed Without Prepayment of Fees or Costs [Docket 10], **GRANTS** the petitioner's Letter-Form Motion for Voluntary Dismissal [Docket 14], **DISMISSES** the petitioner's Letter-Form Petitions under 29 U.S.C. § 2254 for Writ of *Habeas Corpus* By a Person in State Custody [Dockets 1 & 2], and **DIRECTS** this action to be removed from the docket.

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

ENTER: July 13, 2015



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE