

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

CHARLESTON DIVISION

RAY JUSTIS,

Petitioner,

v.

CIVIL ACTION NO. 2:15-cv-06420

KAREN PSZCZOLKOWSKI, Warden,
Northern Correctional Facility,

Respondent.

ORDER

This action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On September 11, 2015, Judge Eifert submitted her Proposed Findings & Recommendations [ECF No. 3] (“PF&R”) and recommended that the court **DENY** the petitioner’s Motion for Stay of Abeyance [ECF No. 1] and **DISMISS** the case. The parties were directed to file any objections to the PF&R on or before September 28, 2015. Neither party filed objections to the PF&R—nor sought an extension of time—on or before September 28, 2015.

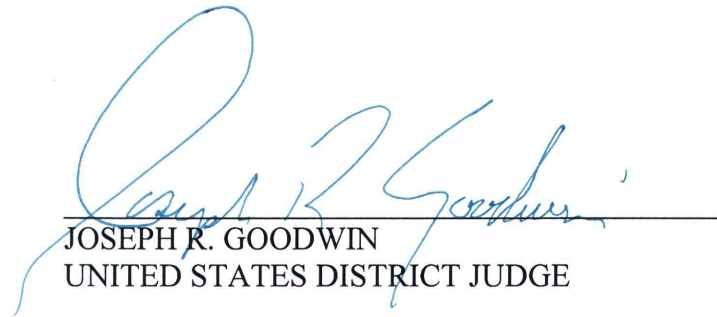
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions 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).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **DENIES** the petitioner's Motion for Stay of Abeyance [ECF No. 1], **DISMISSES** the case, 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: October 2, 2015



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE