

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

**CHARLESTON DIVISION**

ANDRE JAVION PORTEE

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-13928

UNITED STATES DEPARTMENT  
OF AGRICULTURE, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Plaintiff's Motion for Default Judgment. (ECF No. 5.) On October 13, 2015, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations ("PF&R"). (ECF No. 4.) Magistrate Judge Tinsley filed an amended PF&R on July 14, 2016, recommending that this Court deny Plaintiff's motion. (ECF No. 9.)

The Court is not 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). Failure to file timely objections constitutes a waiver of de novo review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).


Objections to the PF&R in this case were due on August 1, 2016. To date, no objections have been filed.<sup>1</sup>

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 9), and **DENIES** Plaintiff's motion for default judgment, (ECF No. 5).

**IT IS SO ORDERED.**

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

ENTER: September 15, 2016



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> As detailed in the PF&R, Plaintiff's seeks review of a final agency decision rendered by a division of the United States Department of Agriculture, but his original complaint does not include a complete copy of that decision. In response, Plaintiff filed, on July 20, 2016, a copy of the complete agency decision in question. (ECF No. 10.) As this additional filing does not challenge Magistrate Judge Tinsley's analysis with respect to Plaintiff's entitlement to default judgment, the Court does not construe it as an objection to the PF&R.