

**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**

Before the Court is Plaintiff Andre Javion Portee's ("Plaintiff") Motion for Entry of Default Judgment (ECF No. 19). By Standing Order entered May 7, 2014, and filed in this case on October 13, 2015, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation (PF&R). Magistrate Judge Tinsley filed his PF&R (ECF No. 26) on April 24, 2017, recommending that this Court deny Plaintiff's Motion.

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 the Plaintiff'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). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not


direct the Court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on May 11, 2017. To date, no objections have been filed.<sup>1</sup>

Accordingly, the Court **ADOPTS** the PF&R (ECF No. 26) and **DENIES** the Motion for Entry of Default Judgment (ECF No. 19).

**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: May 24, 2017



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> On May 5, 2017, Plaintiff filed a document purporting to be a “non-objection” (ECF No. 27). This filing discusses the case, but does not comment on the PF&R.