

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

CHARLESTON DIVISION

KEITH I. GLENN,

Petitioner,

v.

CIVIL ACTION NO. 2:16-cv-01369
(Criminal No. 2:13-cr-00091-5)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Petitioner Keith I. Glenn's Motion to Withdraw Motion Under Title 28 U.S.C. § 2255. (ECF No. 864.) On February 9, 2016, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of proposed findings of fact and recommendations for disposition ("PF&R"). (ECF No. 791.) Magistrate Judge Aboulhosn filed his PF&R on April 19, 2017, recommending that this Court grant the pending motion and dismiss Petitioner's § 2255 motion. (ECF No. 865.)


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 May 8, 2017. To date, no objections have been filed.¹ The Court therefore **ADOPTS** the PF&R, (ECF No. 865), **GRANTS** the Motion to Withdraw Motion Under Title 28 U.S.C. § 2255, (ECF No. 864), and **DISMISSES** Petitioner's § 2255 motion, (ECF No. 789). The Court further **DIRECTS** the Clerk to remove this case from the docket of the Court.

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



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE

¹ The Court notes that Petitioner filed a subsequent motion under 28 U.S.C. § 2255 on May 5, 2017. (No. 2:17-cv-2740, ECF No. 867.) While the motion was filed within the objections period, it does not contest anything in the PF&R. The motion was docketed as a new habeas case, and it mentions that there was a pending petition in front of this Court that was voluntarily withdrawn on April 20, 2017. (*See id.* at 1.) This is further evidence that Petitioner did not intend for his new motion to be understood as objecting to Magistrate Judge Aboulhosn's PF&R. Thus, the Court will not construe it as such.