

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

**CHARLESTON DIVISION**

DONALD W. KING,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-09876

PEM PROPERTIES, et al.,

Defendants.

**ORDER**

Pending before the Court is Plaintiff Donald W. King's ("Plaintiff") Amended Complaint. (ECF No. 4.) By standing order entered on January 4, 2016, and filed in this case on October 20, 2016, (ECF No. 3), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley entered his PF&R on September 17, 2019, recommending this Court find Plaintiff's Amended Complaint "does not state a cause of action for any of the statutes under which he purports to bring his claims" and dismiss for failure to state a claim upon which relief may be granted. (ECF No. 5 at 1, 8.)

This Court is not required to review, de novo or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and 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 October 4, 2019. To date, Plaintiff has failed to submit any objection, thus constituting a waiver of de novo review and Plaintiff’s right to appeal this Court’s order. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 5), and **DISMISSES** this matter **WITH PREJUDICE**. The Clerk is **DIRECTED** to **REMOVE** this case from the active docket of this 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: November 19, 2019



---

THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE