

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

CHARLESTON DIVISION

JOSEPHINE LOUELLA WASHINGTON,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-10189

WEST VIRGINIA DEPARTMENT OF HEALTH
AND HUMAN RESOURCES, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court are Plaintiff's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241, (ECF No. 2), and Application to Proceed Without Prepayment of Fees and Costs ("IFP Application"), (ECF No. 1). By Standing Order filed in this case on October 28, 2016, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 4.) Magistrate Judge Tinsley entered his PF&R on July 2, 2018, recommending that the Court dismiss the petition and deny as moot Plaintiff's IFP Application. (ECF No. 5.)

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 July 19, 2018. To date, no objections have been filed. The Court therefore **ADOPTS** the PF&R, (ECF No. 5), **DISMISSES** the Petition for a Writ of Habeas Corpus, (ECF No. 2), and **DENIES AS MOOT** Plaintiff's IFP Application, (ECF No. 1). The Court further dismisses this matter and **DIRECTS** the Clerk to remove this action 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: July 24, 2018



THOMAS E. JOHNSTON, CHIEF JUDGE