

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

CHARLESTON DIVISION

THOMAS J. FISHER, II

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-12257

LISA M. HALL, et al.,

Defendants.

ORDER

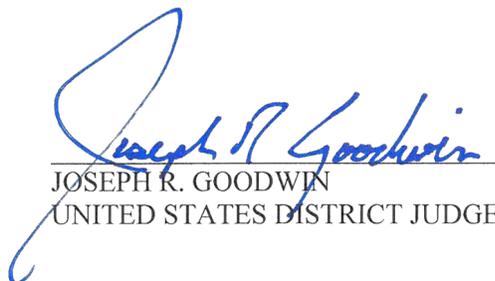
This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On August 25, 2017, Judge Tinsley submitted his Proposed Findings & Recommendations [ECF No. 10] (“PF&R”) and recommended that the court **DENY** the plaintiff’s Motion to Proceed to Halt and Postpone Any Orders & Injunction [ECF No. 7] and **DISMISS** this civil action for lack of subject matter jurisdiction pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure or, in the alternative, **DISMISS** the Complaint, without prejudice, for failure to state a claim upon which relief can be granted. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, 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).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **DENIES** the plaintiff’s Motion to Proceed to Halt and Postpone Any Orders & Injunction [ECF No. 7], **DISMISSES** the case, and **DIRECTS** this action to be removed from the docket.

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

ENTER: September 12, 2017


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE