

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

**CHARLESTON DIVISION**

KEITH ALLEN DEMENT,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-02711

DAVID BALLARD,

Warden,

Defendant.

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Plaintiff's Complaint under 42 U.S.C. § 1983. (ECF No. 1.) By Standing Order filed in this case on May 4, 2017, 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 filed his PF&R on June 21, 2018, recommending that this Court find that Plaintiff has failed to prosecute this civil action and dismiss this case without prejudice. (ECF No. 4.)

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 July 9, 2018. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 4), and **FINDS** that Plaintiff has failed to prosecute this case. The Court further **DISMISSES** this civil action **WITHOUT PREJUDICE** and **DIRECTS** the Clerk to remove this matter from the Court’s docket.

**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 12, 2018



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THOMAS E. JOHNSTON, CHIEF JUDGE