

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

KEITH I. GLENN

Movant,

v.

CIVIL ACTION NO. 5:17-cv-02740
(CRIMINAL ACTION NO. 2:13-cr-00091-5)

UNITED STATES OF AMERICA,

Respondent.

ORDER

Pending is Movant's Petition to Vacate, Set Aside, or Correct Sentence [Doc. 867], filed May 5, 2017. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R on June 1, 2020. Magistrate Judge Tinsley recommended that the Court deny the Motion and dismiss this civil action from the docket.

The Court need not 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. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (emphasis added) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations *to which objection is made*."). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require *de novo*

review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct 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 in this case were due on June 18, 2020. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 966**], **DENIES** the Motion to Vacate, Set Aside, or Correct Sentence [**Doc. 867**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party herein.

ENTERED: August 27, 2020



Frank W. Volk
Frank W. Volk
United States District Judge