

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

CHARLESTON DIVISION

RAYMOND WHITLEY,

Petitioner,

v.

CIVIL ACTION NO. 2:17-cv-04583

RUSSEL MASTON,

Respondent.

ORDER

Before the Court is Petitioner Raymond J. Whitley's claim for relief under 42 U.S.C. §§ 1983 and 1988, filed on a form intended for petitions for writ of habeas corpus under 28 U.S.C. § 2254. (ECF No. 1.) By Standing Order entered on January 4, 2016, and filed in this case on December 21, 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"). (ECF No. 3.) This matter was subsequently transferred to Magistrate Judge Cheryl A. Eifert on December 19, 2019. (ECF No. 11.) On February 13, 2020, Magistrate Judge Eifert entered her PF&R, recommending that the Court deny Petitioner's request for relief and dismiss this action from the docket of the Court. (ECF No. 13.)

This 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, the 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 March 2, 2020. (ECF No. 13.) To date, Petitioner has failed to submit any objections in response to the PF&R, thus constituting a waiver of *de novo* review and Petitioner’s right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 13), and **DISMISSES** this action **WITH PREJUDICE** 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: May 6, 2020



THOMAS E. JOHNSTON, CHIEF JUDGE