

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

CHARLESTON DIVISION

ROGER PRINGLE,

Petitioner,

v.

CIVIL ACTION NO. 2:18-cv-00050

MARK SEVIER,

Respondent.

MEMORANDUM OPINION AND ORDER

Before the Court are Petitioner's Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241, (ECF No. 1), and Petition for Order Waiving Filing Fees and Court Costs, (ECF No. 2). By Standing Order filed in this case on January 16, 2018, 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. 5.) Magistrate Judge Tinsley entered his PF&R on July 2, 2018, recommending that the Court find that this Court lacks personal jurisdiction over Petitioner's court of conviction and that it is not the proper venue for consideration of Petitioner's habeas claims concerning his Indiana conviction and sentence. (ECF No. 6 at 4.) Based on these proposed findings, the PF&R further recommends that the Court dismiss without prejudice the Petition for a Writ of Habeas Corpus, (ECF No. 1), and deny as moot the Petition for Order Waiving Filing Fees and Court Costs, (ECF No. 2). (ECF No. 6 at 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). 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). To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 6), **DISMISSES WITHOUT PREJUDICE** the Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241, (ECF No. 1), and **DENIES AS MOOT** the Petition for Order Waiving Filing Fees and Court Costs, (ECF No. 2). The Court further **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: October 4, 2018



THOMAS E. JOHNSTON, CHIEF JUDGE