

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

CHARLESTON DIVISION

BILLY JAMES FLEMING,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01310

MS. HENDERSON,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendants' Motion to Dismiss. (ECF No. 32.) By Standing Order filed in this case on September 24, 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. 20.) Magistrate Judge Tinsley entered his PF&R on July 3, 2019, recommending that the Court grant Defendants' Motion to Dismiss. (ECF No. 32.)

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).

Objections to the PF&R in this case were due on July 23, 2019. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 41), **GRANTS**

Defendants' Motion to Dismiss, (ECF No. 32), and **DISMISSES** this action. 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: July 29, 2019



THOMAS E. JOHNSTON, CHIEF JUDGE