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

CHARLESTON DIVISION

LEON WILSON, JR.,

Plaintiff,

v. CIVIL ACTION NO. 2:18-cv-01502

C.O. TURNER, et al.,

Defendants.

ORDER

Pending before the Court is Defendant C.O. Turner's ("Defendant") Motion to Dismiss. (ECF No. 13.) By standing order entered on January 4, 2016, and filed in this case on December 10, 2018, (ECF No. 3), 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 entered his PF&R on December 5, 2019, recommending this Court deny without prejudice Defendant's Motion to Dismiss because Plaintiff has been granted leave to amend his Complaint. (ECF No. 19 at 4.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and 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 December 23, 2019. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 19), and **DENIES WITHOUT PREJUDICE** Defendant's Motion to Dismiss, (ECF No. 13). The matter remains referred to Magistrate Judge Dwane L. Tinsley.

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: January 3, 2020

THOMAS E. JOHNSTON, CHIEF JUDGE