

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

**CHARLESTON DIVISION**

RONALD E. LAMBERT, JR.,

Petitioner,

v.

CIVIL ACTION NO. 2:19-cv-00053

DONALD F. AMES,

*Superintendent,*

Respondent.

**ORDER**

By standing order entered on January 4, 2016, and filed in this case on January 22, 2019 (ECF No. 4), 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 Tinsley filed his PF&R on December 4, 2020, recommending that this Court grant Respondent’s Motion for Summary Judgment (ECF No. 15), deny Petitioner’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (ECF No. 2), and dismiss this civil action from the docket of the court. (ECF No. 19.)

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 PF&R 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 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 21, 2020. (ECF No. 19.) To date, Plaintiff has failed to submit any objections in response to the PF&R. This failure constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order.

Accordingly, the Court **ADOPTS** the PF&R (ECF No. 19) and **GRANTS** Respondent's Motion for Summary Judgment (ECF No. 15). The Court **DENIES** Petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (ECF No. 2). The Court **DISMISSES** this action **WITHOUT PREJUDICE** and **DIRECTS** the Clerk to remove this matter from the Court's docket.

**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 21, 2021

  
\_\_\_\_\_  
THOMAS E. JOHNSTON, CHIEF JUDGE