

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CHRISTOPHER AYASH,

Movant,

v.

Case No. 2:19-cv-00508

Case No. 2:16-cr-00034-1

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending is Movant Christopher Ayash's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. (ECF 47).

This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R (ECF 66) on September 9, 2021. Magistrate Judge Tinsley recommended that the court deny Mr. Ayash's Motion to Vacate, Set Aside, or Correct Sentence and dismiss this civil action from the docket.

The Court need not 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

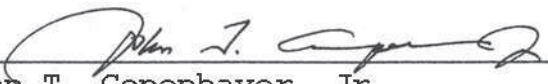
recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") (Emphasis added). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the court's order. See 28 U.S.C. § 636(b)(1); see also United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the court need not conduct 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 in this case were due on September 27, 2021. No objections were filed.

Accordingly, it is ORDERED that the findings made in the PF&R (ECF 66) be, and hereby they are, ADOPTED by the court and incorporated herein. It is further ORDERED that Mr. Ayash's Motion to Vacate, Set Aside, or Correct Sentence (ECF 47) be,

and hereby it is, DENIED and this civil action be, and hereby it is, REMOVED from the docket.

The Clerk is directed to transmit copies of this order to all counsel of record, any unrepresented parties, and the United States Magistrate Judge.

ENTER: October 8, 2021



John T. Copenhaver, Jr.
Senior United States District Judge