

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

CHARLESTON DIVISION

TIFFANY SHAFFER

Petitioner,

v.

CIVIL ACTION NO. 2:19-cv-00638
(Criminal No. 2:17-cr-00040-1)

UNITED STATES OF AMERICA,

Respondent.

ORDER

This action was referred to United States Magistrate Judge Dwane Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On November 8, 2021, Magistrate Judge Tinsley submitted his Proposed Findings & Recommendations [ECF No. 66] (“PF&R”) and recommended that the court **DENY** Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [ECF No. 36]. Neither party timely filed objections to the PF&R nor sought an extension of time.

The PF&R provided notice to the parties that objections were due no later than fourteen days after the date of the PF&R, or seventeen days if the PF&R was sent to the party by mail. The PF&R was originally mailed to Petitioner on November 8, 2021, with objections due by November 26, 2021. However, the initial mailing was returned to the court as undeliverable because it was missing Petitioner’s register

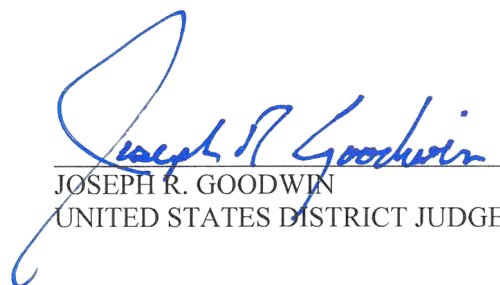
number at the Federal Prison Camp at which she is housed. Petitioner’s register number was added, and the PF&R was again mailed to Petitioner on November 15, 2021. Out of an abundance of caution, the court has given Petitioner ample time to file any objections before adopting the PF&R. As of today—twenty-four days after the PF&R was successfully mailed to Petitioner—no objections have been filed by either party.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, 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).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. Petitioner’s Motion [ECF No. 36] is **DENIED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 9, 2021


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE