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

CHARLESTON DIVISION

STEVEN M. WILLIAMS,

Plaintiff,

v. CIVIL ACTION NO. 2:20-cv-00688

CURTIS DIXION, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On October 19, 2020, the Plaintiff, proceeding *pro se*, filed his Complaint (Document 2) in this matter. Currently pending are the Plaintiff's Motion for Summary Judgment (Document 75) and the Defendant's Motion for Summary Judgment (Document 82).

By *Administrative Order* (Document 5) entered on October 20, 2020, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On January 28, 2022, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 90) wherein it is recommended that this Court grant the Defendant's Motion for Summary Judgment (Document 82), deny the Plaintiff's Motion for Summary Judgment (Document 75), and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by February 14, 2022.

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Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. 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).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Defendant's Motion for Summary Judgment (Document 82) be **GRANTED**, the Plaintiff's Motion for Summary Judgment (Document 75) be **DENIED**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: February 23, 2022

IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA