

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JEFFERY E. MOLLOHAN,

Plaintiff,

v. Civil Action No. 2:21-cv-00300

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA and
KANAWHA COUNTY,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is Plaintiff Jeffery E. Mollohan's pro se complaint (ECF 1), filed May 14, 2021.

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 15) on October 27, 2021. Magistrate Judge Tinsley recommended that the court dismiss Mr. Mollohan's complaint for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2)(B).

The court need not review, under a de novo or any other standard, the factual or legal conclusions of the

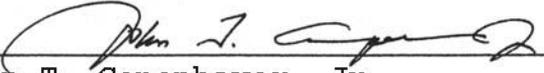
magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings 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 November 15, 2021. No objections were filed.

Accordingly, it is ORDERED that the findings made in the PF&R (ECF 15) are ADOPTED by the court and incorporated herein. It is further ORDERED that Mr. Mollohan's complaint (ECF 1) is DISMISSED pursuant to 28 U.S.C. §§ 1915A and

1915(e) (2) (B) for failure to state a claim upon which relief may be granted and this matter is REMOVED from the docket.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: November 23, 2021



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