

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

CHARLESTON DIVISION

KANDANCE WELLS,

Plaintiff,

v.

CIVIL ACTION NO. 2:22-cv-00040

CITY OF CHARLESTON,

Defendant.

MEMORANDUM OPINION AND ORDER

On January 24, 2022, the Plaintiff, proceeding *pro se*, filed an Application to Proceed Without Prepayment of Fees and Costs (Document 1) and a Complaint (Document 2). By *Standing Order* (Document 3) entered on January 25, 2022, the matter was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for the submission of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. Subsequently, by *Clerk's Order* (Document 5) entered on January 26, 2022, the referral was transferred from Magistrate Judge Tinsley to the Honorable Omar J. Aboulhosn, United States Magistrate Judge.

On March 7, 2022, Magistrate Judge Aboulhosn submitted a *Proposed Findings and Recommendation* (Document 7) wherein it is recommended that this Court deny the Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (Document 1), dismiss the Plaintiff's Complaint (Document 2), and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by March 24, 2022.

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 Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (Document 1) be **DENIED**, the Plaintiff's Complaint (Document 2) be **DISMISSED**, 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: March 30, 2022

A handwritten signature in blue ink that reads "Irene C. Berger". The signature is written in a cursive style and is positioned above a horizontal line.

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