

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DEREK MATTHEW ORME,

Plaintiff,

v.

Civil Action No. 2:22-cv-00092

CHARLESTON POLICE DEPARTMENT,
CITY OF CHARLESTON,
CHARLESTON COURTHOUSE, and
OFFICER J.L. OWENS, Charleston Police Department,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is Plaintiff Derek Matthew Orme's complaint (ECF 2) alleging claims against the defendants under 42 U.S.C. § 1983, filed February 22, 2022.

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 4) on May 11, 2022, wherein he recommended that the court dismiss the Charleston Police Department and the "Charleston Courthouse" as defendants in this matter. By separate order, Magistrate Judge Tinsley granted Mr. Orme's Application to Proceed Without Prepayment of Fees and

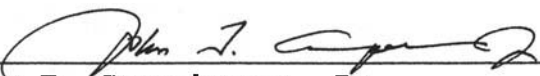
Costs and ordered service of process on the City of Charleston and Officer Owens. See ECF 5.

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 May 31, 2022. No objections were filed.

Accordingly, it is ORDERED that the findings made in the PF&R (ECF 4) are ADOPTED by the court and incorporated herein. It is further ORDERED that the Charleston Police Department and the Charleston Courthouse are DISMISSED as defendants in this matter and this case be REFERRED ANEW to Magistrate Judge Tinsley for further proceedings.

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

ENTER: September 21, 2022



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