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

CHARLESTON DIVISION

JAY FOLSE,

Plaintiff,

v.

CIVIL ACTION NO. 2:22-cv-00252

JOHN MCCUSKEY, JR. and LEE CASSIS,

Defendants.

MEMORANDUM OPINION AND ORDER

On June 13, 2022, the Plaintiff, proceeding *pro se*, filed his Complaint (Document 1) in this matter. On July 5, 2022, Defendant John McCuskey, Jr., filed a Motion to Dismiss (Document 5) and Defendant Lee Cassis filed a Motion to Dismiss (Document 6).

By *Administrate Order* (Document 3) entered on June 14, 2022, the matter 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 August 15, 2022, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 13) wherein it is recommended that this Court grant Defendant John McCuskey, Jr.'s Motion to Dismiss (Document 5) and Defendant Lee Cassis's Motion to Dismiss (Document 6), dismiss the Plaintiff's Complaint (Document 1) with prejudice, and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by September 1, 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 Defendant John McCuskey, Jr.'s Motion to Dismiss

(Document 5) be GRANTED, Defendant Lee Cassis's Motion to Dismiss (Document 6) be

GRANTED, the Plaintiff's Complaint (Document 1) be DISMISSED with prejudice, 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:

September 12, 2022

IRENE C. BERGEF

UNITED STATES DISTRICT JUDGE

SOUTHERN DISTRICT OF WEST VIRGINIA

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