

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

DARIUS JORDAN HENNING,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00349

CAPT. M. CLIFFORD, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On July 12, 2024, the Plaintiff, proceeding pro se, filed an *Application to Proceed Without Prepayment of Fees and Costs* (Document 1) and a *Complaint* (Document 2) in this matter. By *Administrative Order* (Document 4) entered on July 15, 2024, the case 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.

By *Order* (Document 5) entered on July 15, 2024, the Plaintiff was directed by the Magistrate Judge to amend his *Complaint* by August 16, 2024, to specifically set forth his constitution claims and state specific facts as to how each defendant violated his constitutional rights. The Plaintiff was advised therein that failure to amend his *Complaint* would result in a recommendation of dismissal of the matter without prejudice. Nothing further was filed by the Plaintiff.

On February 11, 2025, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 6) wherein it is recommended 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 without prejudice, and the matter be removed from the Court's docket.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by February 28, 2025, and none were filed by either party. 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 WITHOUT 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: March 10, 2025



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA