

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

**BECKLEY DIVISION**

JOHN WORKMAN,

Petitioner,

v.

CIVIL ACTION NO. 5:05-cv-00899

TODD R. CRAIG, Warden,

Respondent.

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [Docket 1]. By Standing Order entered on July 21, 2004, and filed in this case on November 10, 2005, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R [Docket 15] on May 29, 2009, recommending that this Court **DISMISS AS MOOT** Petitioner's § 2241 petition.

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 the Petitioner'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). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court

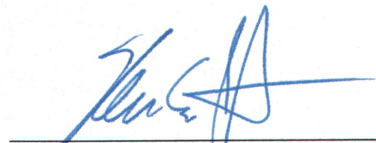
to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on June 15, 2009. To date, no objections have been filed.

Accordingly the Court **ADOPTS** the PF&R [Docket 15], **DISMISSES AS MOOT** Petitioner's § 2241 Application [Docket 1], and **REMOVES** this case from the Court's docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 8, 2009



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE