

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

**BECKLEY DIVISION**

MIGUEL QUINONES,

Plaintiff,

v.

CIVIL ACTION NO. 5:07-cv-00057

COMMISSIONER JAMES RUBENSTEIN, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Before the Court is Petitioner Miguel Quinones' Motion for Preliminary Injunctive Relief [Docket No. 1]. By Standing Order entered August 1, 2006, and filed in this case on January 30, 2007, 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 No. 6] on November 23, 2009, recommending that this Court dismiss Petitioner's case without prejudice for failure to prosecute and remove this matter from the Court's docket.

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 December 11, 2009. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket No. 6], **DISMISSES** the Motion for Preliminary Injunctive Relief [Docket No. 1], and **DISMISSES** this case from the 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:            January 14, 2010

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