

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

BECKLEY DIVISION

DAVID LYNN HATFIELD,

Petitioner,

v.

CIVIL ACTION NO. 5:08-cv-01178

T. R. CRAIG,

Respondent.

**MEMORANDUM OPINION AND ORDER
ADOPTING PROPOSED FINDINGS AND RECOMMENDATION**

The Court has reviewed Petitioner's *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus and Notice to Amend § 2241* (Documents 1 and 5). By Order (Document 2) entered on October 14, 2008, this action was referred to the Honorable R. Clarke VanDervort, 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(b)(1)(B). On September 29, 2011, the Magistrate Judge submitted Proposed Findings and Recommendation ("PF&R") (Document 10) wherein it is recommended that this Court dismiss Petitioner's petition 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 were due by October 17, 2011. No objections were filed by that date.

The Court has also reviewed Petitioner’s *Motion for Continuance* (Document 12) filed October 20, 2011, wherein he asks for a continuance of the deadline for filing objections. After careful consideration, the Court finds that Petitioner has failed to allege any facts in support of the motion and has, therefore, failed to show good cause why the same should be granted. Therefore, the Court **ORDERS** that the motion be **DENIED**.

Accordingly, the Court **ORDERS** that the recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation (Document 10) be **ADOPTED**, and further **ORDERS** that Petitioner’s *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus and Notice to Amend § 2231* (Documents 1 and 5) be **DISMISSED** and **STRICKEN** from the Court’s docket.

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

ENTER: October 21, 2011



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA