

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

BECKLEY DIVISION

JULES LAMONT WILLIAMS,

Petitioner,

v.

CIVIL ACTION NO. 5:09-cv-00175

DAVID BECKEBILE,

Respondent.

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

The Court has reviewed the Petitioner's February 25, 2009 *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody* (Document 3), brought on the grounds that his due process rights were violated when he was sanctioned the loss of twenty-seven (27) days of his good time credit. By *Standing Order* (Document 4) entered on February 25, 2009, 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. On September 20, 2011, the Magistrate Judge submitted *Proposed Findings and Recommendation* (Document 14) wherein it is recommended that this Court dismiss Petitioner's Application and remove this mater 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). Magistrate Judge VanDervort advised the parties that any objections to the PF&R were due within seventeen (17) days of the filing of his proposed findings and recommendation. To date, no party has filed any objections to the Magistrate Judge's *Proposed Findings and Recommendation*. As noted in the PF&R, Petitioner appears to have been released from custody on May 5, 2010. The PF&R was sent to his last known address, but was returned as undeliverable on September 26, 2011 (Document 15). No current address is available for this Defendant.

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 Petitioner's Application be **DISMISSED** and that 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 VanDervort, to counsel of record and to any unrepresented party.

ENTER: October 13, 2011



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA