

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

BECKLEY DIVISION

TERRY LEE ROSEBORO,

Petitioner,

v.

CIVIL ACTION NO. 5:09-cv-00548

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

The Court has reviewed the Plaintiff, Terry Lee Roseboro's Motion for Relief of Medical Exemption from Education Department Due to Medical Reasons [Docket 1]. In said motion, the Plaintiff requests a medical exemption from educational programs at Federal Correctional Institution Beckley. By Standing Order entered August 1, 2006, and filed in this case on May 15, 2009, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and recommendation (PF&R). Magistrate Judge VanDervort filed his PF&R [Docket 5] on February 17, 2010, finding that Plaintiff's allegations cannot be construed to implicate a constitutional right for the violation of which relief can be granted. Magistrate Judge Vandervort recommended that the undersigned dismiss Plaintiff's Complaint and remove it 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 March 8, 2010. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 5], and **ORDERS** that the Motion for Relief of Medical Exemption from Education Department Due to Medical Reasons [Docket 1] is **DENIED** and that this case is **DISMISSED** from the docket. A separate Judgment Order will enter this day implementing the rulings contained herein.

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

ENTER: March 23, 2010


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