

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

BECKLEY DIVISION

KAREEM R. WATTS,

Petitioner,

v.

CIVIL ACTION NO. 5:10-cv-00153

DAVID BERKEBILE,

Respondent.

MEMORANDUM OPINION AND ORDER

The Court has reviewed *Petitioner's Petition for the Issuance of a Habeas Corpus By a Federal Prisoner Pursuant to Title 28 U.S.C. 2241 to Correct the Improperly Calculated Sentences of Petitioner* (Document 1). 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). (Document 2). On August 23, 2011, the Magistrate Judge issued an Order to Show Cause directing the Respondent to "file an Answer to the allegations contained in the Petitioner's Application and show cause, if any, why the Writ of Habeas Corpus sought by the Petitioner in this case should not be granted." (Order to Show Cause (Document 4)). On October 17, 2011, the Respondent filed his Response to Order to Show Cause (Document 11) asserting that the Bureau of Prisons' calculation of Defendant's sentence was appropriate. Thereafter, on November 20, 2012, the Magistrate Judge submitted Proposed Findings and Recommendation ("PF&R") (Document 12), wherein it is recommended that this Court dismiss


Petitioner's petition as moot in light of his release from custody. It is further recommended that the instant action be removed 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 7, 2012. 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 June 20, 2012. Inasmuch as Petitioner did not provide the Clerk's Office with a forwarding address, the PF&R sent to him was returned as undeliverable. (Document 13.)

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 Section 2241 Petition (Document 1) be **DENIED** and that this matter be **REMOVED** from its docket.

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

ENTER: December 11, 2012


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