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

BECKLEY DIVISION

STEVE JONES,

Plaintiff,

v. CIVIL ACTION NO. 5:11-cv-00530

FCI BECKLEY MEDICAL EMPLOYEES, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

The Court has reviewed the Plaintiff's Complaint (Document 2) filed on August 8, 2011. The Court has also reviewed the Motion to Dismiss (Document 61) filed by the United States on October 31, 2013, as well as the related response and reply.

This matter was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, on October 15, 2013, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On March 13, 2014, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 69) wherein it is recommended that this Court grant the United States' Motion to Dismiss, dismiss the Plaintiff's Complaint, and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by March 31, 2014.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. 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 party'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).

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 the United States' Motion to Dismiss (Document 61) be **GRANTED**, the Plaintiff's Complaint (Document 2) be **DISMISSED**, and this action be **REMOVED** from the Court's docket.

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

ENTER: April 1, 2014

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