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

BECKLEY DIVISION

CHARLES D. TURNER,

Plaintiff,

v. CIVIL ACTION NO. 5:11-cv-00620

JOEL ZIEGLER,

Respondent.

ORDER

The Court has reviewed Plaintiff's Application to Proceed without Prepayment of Fees and Costs (Document 1) and Plaintiff's Complaint (Document 2). By Order (Document 3) entered on September 14, 2011, 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 20, 2011, the Magistrate Judge submitted Proposed Findings and Recommendation ("PF & R") (Document 4) wherein he recommended that this Court deny Plaintiff's application to proceed without prepayment of fees, dismiss Plaintiff's complaint 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 7, 2011. No objections have been filed.

Accordingly, the Court **ORDERS** that the recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation be **ADOPTED** and further **ORDERS** that Plaintiff's Application to Proceed without Prepayment of Fees and Costs (Document 1) be **DENIED** and Plaintiff's Complaint (Document 2) be **DISMISSED** and **STRICKEN** from the docket of this Court.

The Court **DIRECTS** the Clerk to send a copy of this Order 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