

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

BECKLEY DIVISION

TERRY HAMBRIC,

Petitioner,

v.

CIVIL ACTION NO. 5:15-cv-04494

JOE COAKLEY,

Respondent.

MEMORANDUM OPINION AND ORDER

On April 14, 2015, the Petitioner, proceeding *pro se*, filed an application to proceed without prepayment of fees and costs (Document 1) and an *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody* (Document 2).

By *Standing Order* (Document 15) entered on April 15, 2015, this action was referred to the Honorable Dwane L. Tinsley, 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 April 2, 2017, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 5) wherein it is recommended that the Petitioner's *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody* (Document 2) be denied, and that this matter be dismissed from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by April 19, 2018.¹

¹ The docket reflects that the *Proposed Findings and Recommendation* mailed to the Petitioner was returned as undeliverable on April 12, 2018.


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 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).

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 Petitioner's *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody* (Document 2) be **DENIED**, and that this matter be **DISMISSED** from the Court's docket.

Further, it is **ORDERED** that the Petitioner's application to proceed without prepayment of fees and costs (Document 1) be **DENIED AS MOOT**.

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

ENTER: April 30, 2018


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