

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

ANGEL MARIE LUCAS,

Petitioner,

v.

CIVIL ACTION NO. 5:15-cv-09061

JUDGE ALFRED FERGUSON, et al.,

Respondents.

**MEMORANDUM OPINION AND ORDER**

On July 1, 2015, the Petitioner filed an Application to Proceed Without Prepayment of Fees or 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). On July 10, 2015, the Petitioner filed a letter-form Motion for Voluntary Dismissal (Document 4).

By *Standing Order* (Document 3) entered on July 2, 2015, 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. On July 14, 2015, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 5) wherein it is recommended that this Court grant the Petitioner's letter-form Motion for Voluntary Dismissal, deny the Petitioner's Application to Proceed Without Prepayment of Fees or Costs, dismiss without prejudice the Petitioner's Application Under 28 U.S.C. § 2241 for Writ of *Habeas Corpus* by a Person in State or Federal Custody, and remove this matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by July 31, 2015.

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 letter-form Motion for Voluntary Dismissal (Document 4) be **GRANTED**, the Petitioner's Application to Proceed Without Prepayment of Fees or Costs (Document 1) be **DENIED**, 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 **DISMISSED WITHOUT PREJUDICE**, and this matter 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: August 4, 2015



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA