Lucas v. Southern Regional Jail et al Doc. 15

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

BECKLEY DIVISION

ANGEL MARIE LUCAS,

Plaintiff,

v. CIVIL ACTION NO. 5:15-cv-11767

SOUTHERN REGIONAL JAIL, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On August 4, 2015, the Plaintiff filed a Complaint (Document 1) in this matter. Subsequently, on August 7, 2015, the Plaintiff filed a letter-form Motion to Dismiss Complaint (Document 8).

By Order (Document 6) entered on August 5, 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 August 10, 2015, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 9) wherein it is recommended that the Plaintiff's letter-form Motion to Dismiss Complaint (Document 8) be granted, that the Plaintiff's Complaint (Document 1) be dismissed without prejudice, and that this matter be removed from the Court's docket.

Dockets.Justia.com

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by August 27, 2015[1], and none were timely filed by either party. 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 a 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 Plaintiff's letter-form Motion to Dismiss Complaint (Document 8) be **GRANTED**, that the Plaintiff's Complaint (Document 1) be **DISMISSED WITHOUT PREJUDICE**, and that 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: September 16, 2015

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

[1]The docket reflects that the *Proposed Findings and Recommendation* mailed to the Plaintiff was returned as undeliverable on August 20, 2015, and re-mailed to a different address on that date. The docket further reflects that the re-mailed *Proposed Findings and Recommendation* was also returned as undeliverable on August 28, 2015, and re-mailed to a different address on that date. As of September 15, 2015, no objections had been filed.