

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

BECKLEY DIVISION

NORMAN R. JENKINS,

Petitioner,

v.

CIVIL ACTION NO. 5:16-cv-04296

D. L. YOUNG, *Warden*,

Respondent.

MEMORANDUM OPINION AND ORDER

On May 10, 2016, the Petitioner, proceeding pro se, filed his *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus By a Person in State or Federal Custody* (Document 1). On July 29, 2016, the Respondent filed the *United States Response to Order to Show Cause* (Document 12) moving for dismissal of the Petitioner's aforesaid *Application*.


By *Standing Order* (Document 5) entered on May 10, 2016, this action was referred to the Honorable Cheryl A. Eifert, 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 September 11, 2017, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 14) 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 1) be denied; the Respondent's request for dismissal (Document 12) be granted; and this action be dismissed with prejudice and removed from the Court's docket.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by September 28, 2017, and none were 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 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 1) be **DENIED**; the Respondent's request for dismissal (Document 12) be **GRANTED**; and this action be **DISMISSED WITH PREJUDICE** and **REMOVED** from the Court's docket.

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

ENTER: October 3, 2017


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