

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

BECKLEY DIVISION

RYAN DUANE DENT-EL,

Petitioner,

v.

CIVIL ACTION NO. 5:16-cv-09050

D. L. YOUNG, *Warden*,

Respondent.

MEMORANDUM OPINION AND ORDER

On September 22, 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 January 3, 2017, the Respondent filed a *Response to Order to Show Cause* (Document 9) moving for the dismissal of the Petitioner's *Application*.

By *Standing Order* (Document 3) entered on September 23, 2016, the matter 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 August 30, 2018, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 11) 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* be denied, the Respondent's *Response to Order to Show Cause* moving for the dismissal of the Petitioner's *Application* be granted, and that 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 17, 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 1) be **DENIED**, the Respondent's *Response to Order to Show Cause* (Document 9) moving for the dismissal of the Petitioner's *Application* be **GRANTED**, and that 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: September 18, 2018



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