

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

BECKLEY DIVISION

CARLA ANN LYNCH,

Plaintiff,

v.

CIVIL ACTION NO. 5:17-cv-01685

BANK OF AMERICA, N.A.,
and DOES 1-10,

Defendants.

MEMORANDUM OPINION AND ORDER

On February 3, 2017, the Plaintiff, proceeding *pro se*, filed a *Complaint* in the Circuit Court of Raleigh County, West Virginia. On March 9, 2017, the Defendant Bank of America removed the matter to this Court and, subsequently, on November 15, 2017, filed a *Motion to Dismiss Complaint for Failure to Comply with Court Order Regarding Discovery* (Document 17).

By *Standing Order* (Document 2) entered on March 9, 2017, this action was referred to the Honorable Omar J. Aboulhosn, 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 December 18, 2017, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 20) wherein it is recommended that the Defendant Bank of America's *Motion to Dismiss Complaint for Failure to Comply with Court Order Regarding Discovery* (Document 17)

be granted and that this matter be removed from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by January 5, 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 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 Defendant Bank of America's *Motion to Dismiss Complaint for Failure to Comply with Court Order Regarding Discovery* (Document 17) be **GRANTED** and that this matter 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 Aboulhosn, counsel of record, and any unrepresented party.

ENTER: January 10, 2018



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