

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

BECKLEY DIVISION

ERIC J. REESE,

Petitioner,

v.

CIVIL ACTION NO. 5:17-cv-03053

DAVID L. YOUNG,
Warden, FCI Beckley,

Respondent.

MEMORANDUM OPINION AND ORDER

On May 26, 2017, the Petitioner, proceeding *pro se*, filed his Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Document 1). By *Standing Order* (Document 2) entered on May 30, 2017, 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 February 12, 2019, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 9) wherein it is recommended that this Court deny the Petitioner's Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241, dismiss the matter with prejudice, and remove the action for the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by March 1, 2019, 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 Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Document 1) be **DENIED**, and that the matter be **DISMISSED with prejudice**, and **REMOVED** for 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: March 5, 2019


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