

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

BECKLEY DIVISION

SYED QADRI,

Petitioner,

v.

CIVIL ACTION NO. 5:18-cv-00002

D. L. YOUNG, *Warden*,

Respondent.

MEMORANDUM OPINION AND ORDER

On January 2, 2018, the Petitioner, proceeding *pro se*, filed his *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241* (Document 1). Also pending in the matter are the Petitioner's *Motion for Immediate Ruling* (Document 12); the Petitioner's *Motion for Status Report and Ruling* (Document 15); the Petitioner's *Emergency Motion for Preliminary Injunction* (Document 16); the Respondent's *Motion to Dismiss Petition* (Document 17); and the Respondent's *Amended Motion to Dismiss Petition* (Document 18).

By *Standing Order* (Document 3) entered on January 3, 2018, this action was referred to the Honorable Dwane L. Tinsley, 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 October 12, 2018, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 19) wherein it is recommended: 1) that the Respondent's *Motion to Dismiss Petition* (Document 17) and *Amended Motion to Dismiss Petition* (Document 18) be granted; 2) that the

Petitioner's *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241* (Document 1), the Petitioner's *Motion for Immediate Ruling* (Document 12), the Petitioner's *Motion for Status Report and Ruling* (Document 15), and the Petitioner's *Emergency Motion for Preliminary Injunction* (Document 16) be denied as moot; and 3) that this matter be dismissed from the Court's docket.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by October 29, 2018,¹ 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**: 1) that the Respondent's *Motion to Dismiss Petition* (Document 17) and *Amended Motion to Dismiss Petition* (Document 18) be **GRANTED**; 2) that the Petitioner's *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241* (Document 1), the Petitioner's *Motion for Immediate Ruling* (Document 12), the Petitioner's *Motion for Status Report and Ruling* (Document 15), and the Petitioner's *Emergency Motion for Preliminary Injunction* (Document 16) be **DENIED AS MOOT**; and 3) that this matter be **DISMISSED** from the Court's docket.

¹The docket reflects that the *Proposed Findings and Recommendation* mailed to the Petitioner was returned as undeliverable on October 22, 2018.

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

ENTER: November 2, 2018

A handwritten signature in blue ink that reads "Irene C. Berger". The signature is written in a cursive style with a horizontal line underneath it.

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