

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

CLAUDE ALLEN LOATMAN, III,

Petitioner,

v.

CIVIL ACTION NO. 5:20-cv-00490

D.L. YOUNG, Warden,
FCI Beckley,

Respondent.

ORDER

Pending is Petitioner's Petition for Writ of Habeas Corpus [Doc. 2], filed July 20, 2020. This action was previously referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Eifert filed her PF&R on December 21, 2020. Magistrate Judge Eifert recommended that the Court dismiss the case pursuant to Federal Rule of Civil Procedure 41(b) and L. R. Civ. P. 41.1, as the petitioner did not pay the filing fee and made no effort to communicate with the Court regarding his failure to do so.

The Court need not 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. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (emphasis added) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made*."). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v.*

De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on January 7, 2020. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 9**], **DENIES** the Petition [**Doc. 2**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party herein.

ENTER: January 19, 2021



Frank W. Volk
Frank W. Volk
United States District Judge