

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

CHARLES LANE,

Plaintiff,

v.

CIVIL ACTION NO. 5:22-cv-00226

WEST VIRGINIA DEPT. OF CORRECTIONAL
REHABILITATION, and U.S. Marshals Service
3-Defendants,

Defendants.

ORDER

Pending is Plaintiff Charles Lane's *pro se* Complaint [Doc. 1], filed May 16, 2022.

This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on August 9, 2024. Magistrate Judge Aboulhosn recommended that the Court dismiss Mr. Lane's Complaint without prejudice given his failure to prosecute this civil action and remove this matter from the docket.

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) ("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.*" (emphasis added)). 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 August 26, 2024. No objections were filed.¹

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 3**], **DISMISSES WITHOUT PREJUDICE** Mr. Lane's Complaint [**Doc. 1**] pursuant to *Federal Rule of Civil Procedure* 41(b) for his failure to prosecute, and **REMOVES** this matter from the docket.

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

ENTER: September 24, 2024



A handwritten signature in black ink that reads "Frank W. Volk".

Frank W. Volk
Chief United States District Judge

¹ On August 9, 2024, a copy of the PF&R was mailed to Mr. Lane at the Southern Regional Jail but was returned as undeliverable on August 19, 2024. [ECF 4]. The PF&R was not resent because no alternative address for Mr. Lane was available. Inasmuch as Mr. Lane has failed to keep the Court apprised of his current address as required by *Local Rule of Civil Procedure* 83.5, the matter is ripe for adjudication.