

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

WILLIAM SCOTT DAVIS, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 5:23-cv-00117

ERIN STENNETT, *et al.*,

Defendants.

ORDER

Pending are Plaintiff William Scott Davis, Jr.’s Complaints [Docs. 1 and 18], filed February 13, 2023, and July 3, 2023, respectively. 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 23, 2024. [Doc. 22]. Magistrate Judge Aboulhosn recommended that the Court dismiss Mr. Davis’ Complaints [Docs. 1 and 18] without prejudice for failure to prosecute and remove this matter from the Court’s 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 September 9, 2024. No objections were filed. ¹

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 22**], **DISMISSES** the Complaints [**Docs. 1 and 18**] **WITHOUT PREJUDICE**, 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.

ENTER: September 23, 2024



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

Frank W. Volk
Chief United States District Judge

¹ On September 19, 2024, a notification of “Mail Returned as Undeliverable” was filed denoting that the Proposed Findings and Recommendations were sent to William Scott Davis at Rochester Federal Medical Center, P.O. Box 4000 Rochester, MN 55903. Specifically, the mail was not resent because Mr. Davis was released on May 10, 2024, and no address was available. [Doc. 23].