

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

**PARKERSBURG DIVISION**

TIMOTHY J. OSBORNE,

Plaintiff,

v.

CIVIL ACTION NO. 6:12-cv-01864

BOB A. WATERS,

Defendant.

**ORDER**

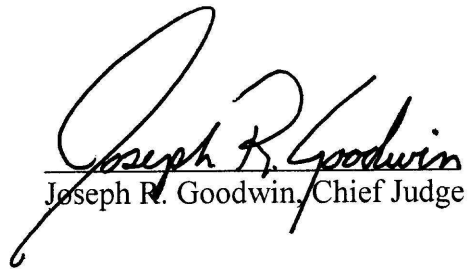
This complaint was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted proposed findings of fact and has recommended that the court **DISMISS** the plaintiff's complaint and this civil action, with prejudice, based on the application of absolute judicial immunity.

A district court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This court is not, however, 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). As the parties have not filed objections in this case, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge. Accordingly, the

court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, and **ORDERS** that the complaint be **DISMISSED**, with prejudice.<sup>1</sup> As such, the plaintiff's Application to Proceed without Prepayment of Fees or Costs [Docket 6] is **DENIED as moot**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 16, 2012

  
Joseph R. Goodwin, Chief Judge

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<sup>1</sup> Since the proposed findings and recommendation was filed, the court received additional documentation from the plaintiff [Docket 7]. The court has reviewed this information and **FINDS** that it does not alter Judge Stanley's analysis and as a result does not affect the outcome of this action.