

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

BURTON HAGWOOD,

Petitioner,

v.

**CIVIL ACTION NO. 3:07-CV-17
CRIMINAL ACTION NO. 3:00-CR-13
(BAILEY)**

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

By Standing Order entered on March 24, 2000, this action was referred to United States Magistrate Judge James E. Seibert for submission of proposed report and a recommendation ["R & R"]. Magistrate Judge Seibert filed his R & R on March 1, 2007 [Doc. 2]. In that filing, the magistrate judge recommended that this Court deny the petitioner's Application for Writ of Habeas Corpus pursuant to 28 U.S.C. 1651 [Doc. 1] and dismiss this matter without prejudice from the Court's docket.

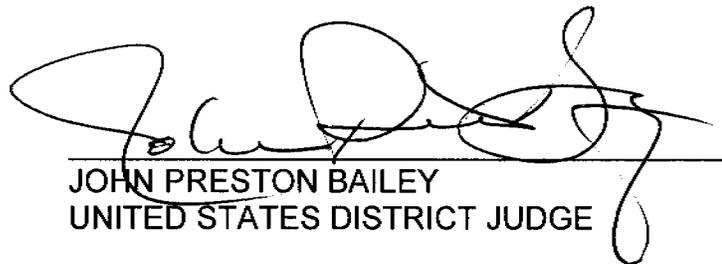
The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file 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); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R & R were due by March 15, 2007. No objections have been filed.

Therefore, the Court hereby **ADOPTS** the recommendations of Magistrate Judge

Seibert and **DISMISSES this action with prejudice.** Additionally, the petitioner filed a Motion to Stay until his change of address is submitted to the Clerk's office. The Court received a Notice of Change of Address on April 16, 2007 [Civ. Doc. 5]. Accordingly, the petitioner's Motion to Stay [Civ. Doc. 3] is hereby **DENIED as moot.** The Court hereby **ORDERS** that this matter be removed from the Court's docket.

The Clerk is directed to transmit a copy of this Order to all counsel of record and the *pro se* petitioner.

DATED: June 19, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE