

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

**CHARLES JAMES LEWIS, III,**

Petitioner,

v.

**CIVIL ACTION NO. 3:04-CV-105  
(BAILEY)**

**UNITED STATES OF AMERICA,**

Respondent.

**JUDGMENT ORDER**

By Standing Order entered on March 24, 2000, and filed in this case on January 25, 2005, 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 September 8, 2006 [Crim. Docket 251]. In that filing, the magistrate judge recommended that this Court deny Petitioner's Motion under 28 U.S.C. § 2255 and dismiss with prejudice this matter 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 (4<sup>th</sup> Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4<sup>th</sup> Cir. 1984). Here, objections to Magistrate Judge Seibert's R & R were due by September 22, 2006, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). No objections have been filed.

The Court adopts the recommendations of Magistrate Judge Seibert. Accordingly,

the Court hereby **DENIES** Petitioner's Motion under 28 U.S.C. § 2255 and **DISMISSES WITH PREJUDICE** this matter from the Court's docket.

The Clerk is directed to mail a certified copy of this Judgment Order to all counsel of record, the plaintiff, pro se, and Magistrate Judge Seibert.

DATED: April 27, 2007

/s/ John Preston Bailey  
JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE