

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

DELPHINE GREEN,

Petitioner,

v.

CIVIL ACTION NO. 1:07CV55
CRIMINAL ACTION NO. 1:05CR102
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On April 19, 2007, pro se petitioner Delphine Green filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2255. On July 9, 2007, the petitioner filed an amended petition. On July 12, 2007, United States Magistrate Judge John S. Kaul entered a Report and Recommendation recommending that the Court deny petitioner's § 2255 motion and dismiss the case with prejudice.

The Report and Recommendation also specifically warned that Green's failure to object to the recommendation would result in the waiver of her appellate rights on this issue. Nevertheless, Green has not filed any objections.¹

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety, **DENIES** Green's § 2255 motion (dkt. no. 96 in 1:05cr102 and dkt. no. 1 in 1:07cv55), her amended motion (dkt. no.

¹ Green's failure to object to the Report and Recommendation not only waives her appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

ORDER ADOPTING REPORT AND RECOMMENDATION

103 in 1:05cr102 and dkt. no. 7 in 1:07cv55 and **DISMISSES** the case **WITH PREJUDICE**. The Court orders the Clerk to **STRIKE** the case from the Court's docket.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the petitioner.

Dated: October 22, 2007.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE