

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

FILED

MAY 24 2005

U.S. DISTRICT COURT
CLARKSBURG WV 26301

MUBARAK A. MUHAMMAD,

Petitioner,

v.

CIVIL ACTION NO. 1:05CV32
(Judge Keeley)

KEVIN J. WENDT, Warden,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On February 23, 2005, pro se petitioner Mubarak Muhammad filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court referred this matter to United States Magistrate Judge John S. Kaul for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09. On May 6, 2005, Judge Kaul issued a Report and Recommendation recommending that Muhammad's case be dismissed without prejudice for failure to either pay the requisite filing fee or complete forms to proceed in forma pauperis.

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

¹ Muhammad's failure to object to the Report and Recommendation not only waives his 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

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety and **ORDERS** Muhammad's case **DISMISSED WITHOUT PREJUDICE** and stricken from the Court's docket.

It is so **ORDERED**.

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

Dated: May 24, 2005.



IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE