

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

FILED

MAY 3 2005

BARRY THOMPSON,

Plaintiff,

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

v.

Civil Action No. 1:05CV42
(Judge Keeley)

UNITED STATES DEPARTMENT OF
JUSTICE, a/k/a FEDERAL BUREAU OF PRISONS;
D. McADAMS, Unit Manager; and
A. O'DELL, Case Manager,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On March 11, 2005, pro se plaintiff Barry Thompson filed an application for leave to proceed in forma pauperis. The Court referred this matter to United States Magistrate Judge John S. Kaul for initial screening and a report and recommendation. On April 15, 2005, Judge Kaul issued a Report and Recommendation recommending that the Court deny the plaintiff's request to proceed without prepayment of fees.

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

¹ Thompson'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 **DENIES** Thompson's application for leave to proceed in forma pauperis (dkt. no. 2). The Court notes that, on April 21, 2005, Thompson paid the \$250 filing fee.

It is so **ORDERED**.

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

Dated: May 3, 2005.


IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE