

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

ROBERT LEO BREEDEN,

Petitioner,

v.

**CIVIL ACTION NO. 3:05-cv-78
(BAILEY)**

**JOANN S. PERKINS AND
JAMES B. CRAWFORD, III,**

Respondents.

AMENDED ORDER ADOPTING REPORT AND RECOMMENDATION

By Standing Order entered on March 24, 2000, this action was referred to United States Magistrate Judge John S. Kaull for submission of a proposed report and a recommendation ["R & R"]. Magistrate Judge Kaull filed his R & R on June 22, 2007 [Doc. 23]. In that filing, the magistrate judge recommended that this Court grant defendant Crawford's Motion to Dismiss [Doc. 16] and that he be dismissed with prejudice as a defendant in the case. Additionally, the magistrate's report recommended that the plaintiff's claims against defendant Perkins also be dismissed and that the entire complaint be dismissed with prejudice.

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 Kaull's R & R were

