

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

THOMAS FRANKLIN WOODY,

Plaintiff,

v.

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CIVIL ACTION NO. 1:07CV93  
(Judge Keeley)

WARDEN JOYCE FRANCIS,  
LIEUTENANT SLIGER,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On July 9, 2007, the pro se plaintiff filed a complaint in this Court, pursuant to the Federal Tort Claim Act ("FTCA"), alleging that he was deprived of his personal property by prison officials. On September 24, 2007, the plaintiff filed a motion for summary judgment and to withdraw his compensatory claim. On March 25, 2008, United States Magistrate Judge James E. Seibert entered a Report and Recommendation ("R&R") recommending that this Court deny the plaintiff's motion for summary judgment, grant the plaintiff's motion to withdraw his compensatory claim, and dismiss this case with prejudice for failure to state a claim upon which relief can be granted.

The Report and Recommendation also specifically warned the parties that failure to object to the recommendation would result in the waiver of appellate rights on this issue. Nevertheless, no objections were filed.<sup>1</sup>

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

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Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety, **DENIES** the plaintiff's motion (dkt. no. 12) with respect to his request for punitive damages, **GRANTS** the plaintiff's motion with respect to his request to withdraw his compensatory claim, and **DISMISSES** this case **WITH PREJUDICE** for failure to state a claim upon which relief can be granted. The Clerk is Ordered to **STRIKE** this case from the Court's docket.

The Clerk is directed to mail a copy of this Order to the pro se plaintiff, certified mail, return receipt requested, and to transmit a copy to counsel of record.

Dated: April 23, 2008.

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