

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

JOHN BONDS,

Plaintiff,

v.

Civil Action No. 1:08CV78
(Judge Keeley)

WARDEN WILLIAM FOX,
DR. LARRY WILLIAMSON,
COMMISSIONER JIM RUBENSTEIN,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On February 13, 2008, pro se plaintiff John Bonds ("Bonds") filed a complaint pursuant to 42 U.S.C. § 1983. The Court referred this matter to United States Magistrate Judge John S. Kaul for initial screening and a report and recommendation in accordance with 28 U.S.C. § 1915(e) and Local Rule of Prisoner Litigation 83.02. Bonds also filed an application for leave to proceed in forma pauperis, which the Magistrate Judge granted on February 19, 2008. On May 23, 2008, Magistrate Judge Kaul issued a Report and Recommendation recommending the following:

- Bonds' claims against defendants Fox and Rubenstein be dismissed with prejudice pursuant to 28 U.S.C. §§ 1915A and 1915(e).
- Bonds' claims against Dr. Williamson proceed, and that Dr. Williamson be served with a copy of the summons and complaint through the United States Marshal Service.

The Report and Recommendation also specifically warned Bonds that failure to object to the recommendation would result in the

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waiver of his appellate rights on this issue. Nevertheless, no objections have been filed.¹ Bonds did file a motion for appointment of counsel on June 11, 2008, which the Magistrate Judge denied on June 17, 2008.

Consequently, the Court **ADOPTS** the Report and Recommendation (dkt. no. 8) in its entirety and **ORDERS** the following:

- Bonds' claims against defendants Fox and Rubenstein be **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §§ 1915A and 1915(e).
- Bonds' claims against Dr. Williamson proceed, and that Dr. Williamson be **SERVED** with a copy of the summons and complaint through the United States Marshal Service.

It is so **ORDERED**.

The Clerk is directed to mail a copy of this Order to the pro se plaintiff, return receipt requested, and to transmit a copy of the Order to the United States Marshal Service.

Dated: June 23, 2008.

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

¹ Bonds' 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 issues 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).