

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

WILLIAM EUGENE WEBB,

Petitioner,

v.

//

CIVIL ACTION NO. 1:11CV73
(Judge Keeley)

KUMA J. DEBOO, Warden,
LT. HUMPHRIES, SHU Lieutenant,
OFFICER RIDGEWAY, SHU #1 Officer,
UNKNOWN OFFICERS OF THE FEDERAL
BUREAU OF PRISONS,

Respondents.

ORDER ADOPTING REPORT AND RECOMMENDATION
[DKT. NO. 9], AND DENYING AS MOOT PETITIONER'S MOTIONS TO PROCEED
IN FORMA PAUPERIS [DKT. NO. 2] AND TO STAY [DKT. NO. 8]

On May 5, 2011, the pro se petitioner, William Eugene Webb ("Webb"), filed a petition for a writ of mandamus, moved to proceed in forma pauperis and to stay proceedings because he was being transported from FCI Gilmer to Florida. The Court referred this matter to the Honorable James E. Seibert, United States Magistrate Judge ("Magistrate Judge Seibert"), for initial screening and a report and recommendation.

On June 6, 2011, Magistrate Judge Seibert issued a Report and Recommendation ("R&R") recommending that the Court deny and dismiss Webb's petition, and deny as moot his motions to proceed in forma pauperis and to stay because Webb is no longer housed at FCI Gilmer and is in Florida. The R&R also specifically warned Webb that failure to object to the recommendation within fourteen days of

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receipt of the R&R would result in the waiver of any appellate rights on these issues.¹ To date, Webb has not filed any objections to the R&R and the time for doing so has passed. The Court, therefore, **ADOPTS** the R&R in its entirety (dkt. nos. 8), **DENIES AS MOOT** Webb's motion, and **DISMISSES** this case **WITHOUT PREJUDICE**.

It is so **ORDERED**.

The Court directs the Clerk to transmits copies of this Order to counsel of record, and to mail a copy to the pro se plaintiff, William Eugene Webb, via certified mail, return receipt requested.

Dated: August 31, 2011.

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

¹ The failure to object to the R&Rs 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 issue presented. See Thomas v. Arn, 474 U.S. 140, 148-53 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-00 (4th Cir. 1997).