

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

AARON EDWARDS,

Plaintiff,

v.

**Civil Action No. 2:14-CV-17
(BAILEY)**

JIM RUBENSTEIN, Commissioner;
MARVIN C. PLUMLEY, Warden;
ROBIN MILLER; NANCY STEVENS,
Chaplain; and **RANDY SHREVE**,
Unit Manager,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert [Doc. 44]. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Seibert for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Seibert filed his R&R on January 20, 2016 [Doc. 44]. In that filing, the magistrate judge recommended that this Court deny and dismiss the plaintiff's § 1983 Complaint with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, 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

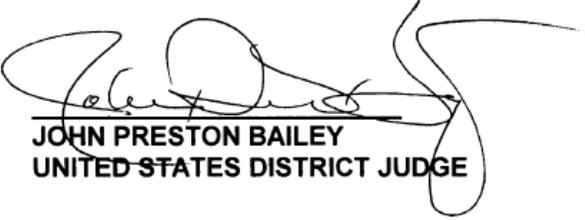
recommendation to which no objections are addressed. **Thomas v. Arn**, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Objections to Magistrate Judge Seibert's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). The docket reflects service was accepted on January 22, 2016 [Doc. 45]. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the above, it is the opinion of this Court that the **Report and Recommendation [Doc. 44]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. The defendants' Motion for Summary Judgment **[Doc. 28]** is **GRANTED**. As such, the plaintiff's § 1983 Complaint **[Doc. 1]** is **DENIED** and **DISMISSED WITH PREJUDICE**. The Clerk is directed to enter separate judgment in favor of the respondents. This matter is further **ORDERED STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* plaintiff.

DATED: February 9, 2016.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE