

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

LAWRENCE HAYES, JR.,

Plaintiff,

v.

**CIVIL ACTION NO. 1:16-CV-66
(BAILEY)**

**ERICKA JOHNSON/ CUSTOMER ACCOUNT
TEAM LEAD,
AMERICAN HONDA FINANCE,
CAPITAL ONE/ ATTORNEYS, and
EXPERIAN/ REPRESENTATIVES,**

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 Michael J. Aloï [Doc. 42]. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Aloï for submission of a proposed report and a recommendation ("R & R"). Magistrate Judge Aloï filed his R&R on June 29, 2016, wherein he recommends this Court deny and dismiss the plaintiff's complaint and motions, and grant all of defendants' pending motions to dismiss.

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). Here, objections to Magistrate Judge Aloï'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 that service was accepted on July 1, 2016 [Doc. 43]. 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. 42]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, this Court **ORDERS** that the plaintiff's Complaint **[Doc. 1-1]** be **DENIED** and **DISMISSED WITH PREJUDICE**. Additionally, the Motion to Dismiss for Failure to State a Claim by American Honda Finance **[Doc. 10]**, the Motion to Dismiss for Failure to State a Claim by Ericka Johnson/ Customer Account Team Lead **[Doc. 12]**, the Motion to Dismiss for Failure to State a Claim by Capital One/ Attorneys **[Doc. 14]**, and the Motion to Dismiss by Experian/ Representatives **[Doc. 16]** are all **GRANTED**. Moreover, plaintiff's Motion for Default Judgment **[Doc. 22]** and Motion for Summary Judgment **[Doc. 23]** are **DENIED**. This Court further **DIRECTS** the Clerk to enter judgment in favor of the defendants and to **STRIKE** this case 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: July 20, 2016.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE