

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

MAURICE-EDWARD: THOMPSON v. S. WILSHIRE

Thompson · No. 2:24-cv-00268 · Decided February 25, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted the magistrate judge’s Proposed Findings and Recommendations without objection. The court granted the defendant’s motion, dismissed the action with prejudice, and directed that it be removed from the docket.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	February 25, 2026
DOCKET	2:24-cv-00268
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Proposed Findings and Recommendations recommending that Defendant's motion be granted and the action dismissed with prejudice. Plaintiff filed a notice of appeal, but no objection to the PF&R.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(C), the district court conducts de novo review of portions of a magistrate judge's report or specified proposed findings and recommendations to which objection is made. No de novo or other review is required for portions to which no objection is made.
PRECEDENTIAL VALUE	Unknown; district court memorandum opinion with no reporter citation or stated precedential designation.
PARTIES	Maurice-Edward: Thompson v. S. Wilshire

TOPICS

- appellate procedure
- standard of review
- civil procedure
- motions to dismiss

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review of the magistrate judge's PF&R when Plaintiff filed no proper objection.
2. Whether Plaintiff's notice of appeal could be treated as an objection to the PF&R.
3. Whether Defendant's motion should be granted and the action dismissed with prejudice.

HOLDINGS

1. When no objection is made to a portion of a magistrate judge's findings or recommendation, the district court is not required to review that portion under a de novo or other standard.
2. Plaintiff's notice of appeal was not an appropriate objection to the PF&R and would not be construed as one.
3. The court adopted the PF&R, granted Defendant's motion, dismissed the action with prejudice, and directed that the action be removed from the docket.

KEY QUOTATIONS

"A district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.""

"This court is not, however, 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."

FACTUAL BACKGROUND

The opinion contains no substantive merits facts. The material facts are procedural: Defendant filed a motion, the magistrate judge recommended granting it and dismissing the action with prejudice, and Plaintiff filed a notice of appeal rather than an objection to the PF&R.

PROCEDURAL HISTORY

The action was referred to United States Magistrate Judge Dwane L. Tinsley under 28 U.S.C. § 636. On February 3, 2026, the magistrate judge recommended granting Defendant's motion and dismissing the action with prejudice. Plaintiff filed a notice of appeal on February 20, 2026, which the district court held was not an appropriate objection and did not construe as one. Without objection, the district court adopted and incorporated the PF&R, granted Defendant's motion, dismissed the action with prejudice, and directed that it be removed from the docket.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)

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