

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Peter Machlup v. Lucas Johnson

Machlup · No. 2:25-cv-00619 · Decided March 6, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopts a magistrate judge's proposed findings and recommendation in a 42 U.S.C. § 1983 action alleging a Fourth Amendment violation. Because no objections were filed, the court dismisses the action with prejudice and strikes it 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	March 6, 2026
DOCKET	2:25-cv-00619
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a civil-rights action under 42 U.S.C. § 1983 alleging a violation of his Fourth Amendment rights. After a magistrate judge recommended dismissal with prejudice, no objections were filed, and the district court adopted the proposed findings and recommendation and dismissed the action.
STANDARD OF REVIEW	When no timely objections are made to a magistrate judge's proposed findings and recommendation, the district court is not required to conduct de novo review of the unobjected-to factual or legal conclusions. General and conclusory objections that do not identify a specific error likewise do not require de novo review.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion

TOPICS

- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review of the magistrate judge's proposed findings and recommendation when no objections were filed.
2. Whether the magistrate judge's recommendation should be adopted and the § 1983 action dismissed with prejudice.

HOLDINGS

1. A district court is not required to conduct de novo or other review of the factual or legal conclusions in portions of a magistrate judge's proposed findings and recommendation to which no timely objections are made.
2. Failure to file timely objections waives de novo review and the right to appeal the district court's order.
3. The court adopted the PF&R and dismissed the civil action with prejudice, striking it from the docket.

KEY QUOTATIONS

“The Court is not required to review, under 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.”

“Accordingly, the Court ADOPTS the PF&R, (ECF No. 7), and ORDERS that this case be DISMISSED and STRICKEN from the docket of this Court.”

FACTUAL BACKGROUND

Plaintiff Peter Machlup filed a civil action seeking relief under 42 U.S.C. § 1983 based on an alleged violation of his Fourth Amendment rights. The opinion does not provide additional substantive facts concerning the alleged constitutional violation because the case was resolved after Plaintiff failed to object to the magistrate judge's recommendation of dismissal.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Dwane L. Tinsley for proposed findings and a recommendation. The magistrate judge recommended dismissal with prejudice on February 12, 2026. Plaintiff's objections were due March 2, 2026, but none were filed; the district court therefore adopted the recommendation, dismissed the case, and struck it from the docket.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)

- United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION PETER MACHLUP, Plaintiff, v. CIVIL ACTION NO. 2:25-cv-00619 LUCAS JOHNSON, Defendant. MEMORANDUM OPINION AND ORDER Pending before the Court is Plaintiff Peter Machlup's civil action claiming entitlement to relief pursuant to 42 U.S.C. § 1983 based upon an alleged violation of his Fourth-Amendment rights.

(ECF No. 1.) By Standing Order entered September 1, 2024 and filed in this case on October 21, 2025, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation ("PF&R"). (ECF No. 3.) Magistrate Judge Tinsley filed his PF&R on February 12, 2026, recommending that this civil action be DISMISSED, with prejudice.

(ECF No. 7.) The Court is not required to review, under 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). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order.

28 U.S.C. § 636(b)(1); see also *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.

1982). Objections to the PF&R in this case were due on March 2, 2026. (ECF No. 69.) To date, no objections have been filed. Accordingly, the Court ADOPTS the PF&R, (ECF No. 7), and ORDERS that this case be DISMISSED and STRICKEN from the docket of this Court. IT IS SO ORDERED.

The Court DIRECTS the Clerk to send a copy of this Order to counsel of record and any unrepresented party. ENTER: March 6, 2026 GE UNITED STATES DISTRICT JUDGE