

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Kirkland Distributors, LLC v. Kenneth McClellan, et al.

Kirkland Distributors · No. 2:26-cv-00027 · Decided May 21, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopts the magistrate judge’s proposed findings and recommendation regarding Plaintiff Kirkland Distributors, LLC’s motion to remand. Because no objections were filed, the court denies the motion to remand.

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	May 21, 2026
DOCKET	2:26-cv-00027
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff moved to remand. After a magistrate judge issued a proposed findings and recommendation recommending denial of the motion, no party filed objections. The district court adopted the PF&R and denied the motion to remand.
STANDARD OF REVIEW	Absent timely objections, the district court is not required to conduct de novo or any other review of the magistrate judge's 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PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated
PARTIES	Kirkland Distributors, LLC v. Kenneth McClellan, et al.

TOPICS

- civil procedure
- subject matter jurisdiction
- commercial litigation

PRACTICE AREAS

- Civil procedure
- Federal jurisdiction
- Removal and remand

QUESTIONS PRESENTED

1. Whether the district court should review the magistrate judge's proposed findings and recommendation concerning the motion to remand when no timely objections were filed.
2. Whether the motion to remand should be denied and the magistrate judge's proposed findings and recommendation adopted.

HOLDINGS

1. When no timely objections are filed, the district court is not required to review the magistrate judge's factual or legal conclusions under a de novo or any other standard, and failure to object waives de novo review and the right to appeal the district court's order.
2. The motion to remand was denied, and the magistrate judge's proposed findings and recommendation were adopted.

KEY QUOTATIONS

“makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.”

FACTUAL BACKGROUND

Kirkland Distributors, LLC sought remand of the action. The magistrate judge recommended denying that motion. No objections to the proposed findings and recommendation were filed by the deadline.

PROCEDURAL HISTORY

The matter was referred by standing order to United States Magistrate Judge Dwane L. Tinsley. The magistrate judge filed a PF&R on January 11, 2026, recommending denial of the motion to remand. Objections were due February 6, 2026, but none were filed; the district court therefore adopted the PF&R and denied the motion.

DISPOSITION

denied

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 KIRKLAND DISTRIBUTORS, LLC, Plaintiff, v. CIVIL

ACTION NO. 2:26-cv-00027 KENNETH MCCLELLAN, et al., Defendants. ORDER Pending before the Court is a Motion to Remand filed by Plaintiff, Kirkland Distributors, LLC (“Plaintiff”). (ECF No. 9.) By standing order, this matter 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 January 11, 2026, recommending that the Court deny Plaintiff’s Motion to Remand. (ECF No. 12 at 1.) 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). Failure to file timely objections constitutes a waiver of de novo review and the plaintiff’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 were due on February 6, 2026.

To date, no objections have been filed. Accordingly, the Court ADOPTS the PF&R, (ECF No. 12) and DENIES Plaintiffs Motion to Remand, (ECF No. 5). 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: May 21, 2026 eg UNITED STATES DISTRICT JUDGE