

**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.

OPINION

McClellan

PER CURIAM.

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

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-southern-district-of-west-virginia-united-states-district-court/2026/kirkland-distributors-llc-v-kenneth-mcclellan-et-al-cl3spvq0>