

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Andrew Potter v. FCI Beckley Medical Staff, Ms. Thompson, Ms.
Crawford, Dr. Edwards, PA Lewis, Ms. Ballard, Warden of Beckley

Potter · No. 5:25-cv-404 · Decided April 1, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s proposed findings and recommendation in Andrew Potter’s Bivens action. The court denied Potter’s application to proceed without prepayment of fees and costs, dismissed the complaint without prejudice, and removed the matter from the docket after no objections were filed.

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	April 1, 2026
DOCKET	5:25-cv-404
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's proposed findings and recommendation concerning a prisoner's Bivens complaint and application to proceed without prepayment of fees or costs. No objections were filed.
STANDARD OF REVIEW	No de novo review was required for portions of the magistrate judge's PF&R to which no objection was made. General and conclusory objections likewise would not require de novo review.
PRECEDENTIAL VALUE	Unknown; district court order with no published reporter citation.
PARTIES	Andrew Potter v. FCI Beckley Medical Staff, Ms. Thompson, Ms. Crawford, Dr. Edwards, PA Lewis, Ms. Ballard, Warden of Beckley

TOPICS

- prisoners rights
- civil procedure
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review of the magistrate judge's PF&R when no objections were filed.
2. Whether the court should adopt the PF&R, deny Potter's application to proceed without prepayment of fees or costs, and dismiss the Bivens complaint without prejudice.

HOLDINGS

1. When no timely objections are filed to a magistrate judge's proposed findings and recommendation, the district court need not conduct de novo review of the unobjected-to factual or legal conclusions, and the failure to object waives de novo review and the right to appeal those conclusions.
2. The court adopted the magistrate judge's PF&R, denied Potter's application to proceed without prepayment of fees or costs, and dismissed the complaint and action without prejudice.

KEY QUOTATIONS

“Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order.”

FACTUAL BACKGROUND

Potter, a federal prisoner, filed a complaint seeking relief under Bivens against FCI Beckley medical staff and the Warden of Beckley. He also sought leave to proceed without prepayment of fees or costs. The magistrate judge recommended denial of the fee application and dismissal of the complaint without prejudice, and Potter filed no objections.

PROCEDURAL HISTORY

Andrew Potter filed a Bivens complaint on June 30, 2025, and an application to proceed without prepayment of fees or costs on August 1, 2025. The matter was referred to Magistrate Judge Omar J. Aboulhosn, who recommended denying the application, dismissing the complaint without prejudice, and removing the matter from the docket. Because Potter filed no objections by the February 9, 2026 deadline, the district court adopted the PF&R, denied the application, dismissed the complaint without prejudice, and dismissed the matter.

DISPOSITION

dismissed

CASES CITED

- Bivens v. Six Unknown Federal Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019)

- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)

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