

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.

OPINION

Potter

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

ANDREW POTTER,

Petitioner, v. CIVIL ACTION NO. 5:25-cv-404

FCI BECKLEY MEDICAL STAFF and

MS. THOMPSON and MS. CRAWFORD and DR. EDWARDS and PA LEWIS and MS.
BALLARD and

WARDEN OF BECKLEY,

Respondents.

ORDER

Pending are Plaintiff Andrew Potter’s Complaint seeking relief pursuant to Bivens v. Six Unknown Federal Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), [ECF 1], filed June 30, 2025, and Application to Proceed Without Prepayment of Fees and Costs [ECF 5], filed August 1, 2025. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). Magistrate Judge Aboulhosn filed his PF&R on January 23, 2026. [See ECF 7]. Magistrate Judge Aboulhosn recommended that the Court deny Mr. Potter’s Application to Proceed Without Prepayment of Fees or Costs, dismiss the Complaint without prejudice, and remove this matter from the docket. [Id. at 5]. The Court need not 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. See *Thomas v. Arn*, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal the Court’s order. See 28 U.S.C. § 636(b)(1); see also *United States v. De Leon- Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct 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 in this case were due on February 9, 2026. No objections were filed. Accordingly, the Court ADOPTS the PF&R [ECF 7], DENIES the Application to Proceed Without Prepayment of Fees or Costs [ECF 5], DISMISSES WITHOUT PREJUDICE the Complaint [ECF 1], and DISMISSES the matter. The Court directs the Clerk to transmit a copy of this Order to counsel of record and any unrepresented party. ENTER: April 1, 2026 @ Elia Chief United States District Judge