

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Dana Stevenson v. Aaron Payne, et al.

Stevenson · No. 2:22-cv-00155 · Decided March 26, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopts a magistrate judge’s Proposed Findings and Recommendations without de novo review because no timely objections were filed. The court grants Aaron Payne’s motion to dismiss, dismisses him from the action, and refers the remaining proceedings against Smith and Hager to the magistrate judge.

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 26, 2026
DOCKET	2:22-cv-00155
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Proposed Findings and Recommendations recommending that Defendant Aaron Payne's motion to dismiss be granted. No party timely objected.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1)(C), de novo review is required for portions of a magistrate judge's report to which a party objects. When no objections are filed, the district court is not required to review the magistrate judge's factual or legal conclusions under a de novo or other standard.
PRECEDENTIAL VALUE	unpublished

TOPICS

- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Proposed Findings and Recommendations when neither party filed timely objections.
2. Whether Defendant Aaron Payne's motion to dismiss should be granted and Payne dismissed from the action.

HOLDINGS

1. Because neither party timely objected to the Proposed Findings and Recommendations, the district court adopted and incorporated them without conducting de novo or other review of their factual or legal conclusions.
2. The court granted Aaron Payne's motion to dismiss and dismissed him from the action.

KEY QUOTATIONS

“This court is not, however, 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.”

FACTUAL BACKGROUND

The opinion provides no substantive facts concerning the underlying prisoner civil-rights claims. The relevant procedural facts are that Aaron Payne moved to dismiss, the magistrate judge recommended granting the motion, and neither party timely objected to the recommendation.

PROCEDURAL HISTORY

The action was referred to United States Magistrate Judge Dwane L. Tinsley under 28 U.S.C. § 636. On March 5, 2026, the magistrate judge issued a Proposed Findings and Recommendations recommending dismissal of Aaron Payne. Because neither party filed timely objections, the district court adopted and incorporated the PF&R, granted Payne's motion to dismiss, dismissed Payne from the action, and continued the referral for proceedings against Defendants Smith and Hager.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter remains referred to Magistrate Judge Dwane L. Tinsley for additional proceedings against Defendants Smith and Hager.

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION DANA STEVENSON, Plaintiff, v. CIVIL ACTION NO. 2:22-cv-00155 AARON PAYNE, et al., Defendants. MEMORANDUM OPINION AND ORDER
This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636.

On March 5, 2026, Magistrate Judge Tinsley submitted his Proposed Findings & Recommendations (“PF&R”), [ECF No. 114], and recommended that the court grant Defendant Aaron Payne’s Motion to Dismiss and dismiss him from this action. Neither party timely filed objections to the PF&R nor sought an extension of time. A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C).

This court is not, however, 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).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court GRANTS Defendant Aaron Payne’s Motion to Dismiss, [ECF No. 106], and DISMISSES Defendant Aaron Payne from the action.

The matter shall remain REFERRED to Magistrate Judge Tinsley for additional proceedings against Defendants Smith and Hager. The court DIRECTS the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented party. ENTER:
March 26, 2026 G pe STATES DISTRICT JUDGE