

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA**

King v. Warden, FCI Beckley, et al.

King · No. 5:25-cv-00732 · Decided May 12, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s proposed findings and recommendation in Jerome King’s civil action. The court denied King’s application to proceed without prepayment of fees and costs, denied as moot his motion to dismiss and refile a new Bivens action, dismissed the complaint, and dismissed the matter.

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF WEST VIRGINIA AT BECKLEY JEROME KING, Plaintiff, v. CIVIL ACTION NO. 5:25-cv-00732 WARDEN, FCI Beckley, and MR. MESSINGER, Acting Warden, and OFFICER GEARHART, Defendants. ORDER Pending is Plaintiff Jerome King’s Application to Proceed without Prepayment of Fees and Costs [ECF 1], filed December 12, 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 February 25, 2026. Magistrate Judge Aboulhosn recommended the Court deny Mr. King’s Application to Proceed without Prepayment of Fees and Costs and dismiss Mr. King’s Complaint.

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 March 16, 2026. No objections were filed.!

Accordingly, the Court ADOPTS the PF&R [ECF 7], DENIES the Application to Proceed without Prepayment of Fees and Costs [ECF 1], DENIES AS MOOT the Motion to Dismiss and Refile New Bivens Action Suit in Response to Proposed Findings and Recommendations [ECF 8], DISMISSES the Complaint [ECF 2], 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: May 12, 2026 CQawiiy Frank W. Volk ies == Chief United States District Judge ' On March 9, 2026, Mr. King submitted a letter-form Motion to Dismiss and Refile New Bivens Action Suit in Response to Proposed Findings and Recommendations. [ECF 8].

The same day, Mr. King filed a new federal complaint against Defendant Officer Gearhart. See *King v. Gearheart* Civil Action No. 5:26-cv-00181. Inasmuch as Mr. King’s Motion sought the same relief recommended by the PF&R, the Motion is DENIED as moot.