

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

**Joseph Rivera v. Ms. Fox, Health Care Administrator and Ms.
Thompson, Health Care PA and Mr. Holzapfel, Warden and Dr.
Cooper, PA/Doctor and F.C.I. Beckley Medical Department, and Mr.
Bailey, Food Svs.**

Rivera · No. 5:24-cv-00482 · Decided February 24, 2026

OPINION

Rivera

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

JOSEPH RIVERA,

Plaintiff, v. CIVIL ACTION NO. 5:24-cv-00482 MS. FOX, Health Care Administrator and MS.
THOMPSON, Health Care PA and MR. HOLZAPFEL, Warden and DR. COOPER, PA/Doctor
and

F.C.I. BECKLEY MEDICAL DEPARTMENT, and

MR. BAILEY, Food Svs., Defendants.

ORDER

Pending are Plaintiff Joseph Rivera's Complaints [Docs. 2, 9, 13] seeking relief pursuant to *Bivens v. Six Unknown Federal Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), filed September 5, 2024, October 2, 2024, and October 23, 2024. 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 29, 2026. Magistrate Judge Aboulhosn recommended that the Court dismiss Mr. Rivera's Complaints without prejudice pursuant to Federal Rule of Civil Procedure 41(b) given his failure to prosecute and remove this matter from the docket. 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 17, 2026. No objections were filed. Accordingly, the Court ADOPTS the PF&R [Doc. 17], DISMISSES WITHOUT PREJUDICE Mr. Rivera’s Complaints [Docs. 2, 9, 13], and REMOVES the matter from the docket. The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party. ENTER: February 24, 2026 ©: W. Volk “imme Chief United States District Judge