

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA, CHARLESTON DIVISION

Anthony Mills v. Arlene Bluth

Mills · No. 2:26-cv-00133 · Decided June 17, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s recommendation to deny Anthony Mills’s application to proceed without prepayment of fees or costs. Because no objections were filed, the court dismissed the civil action from the docket.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia, Charleston Division
WRITING FOR THE COURT	Thomas E. Johnston
JURISDICTION	United States District Court for the Southern District of West Virginia, Charleston Division
DECIDED	June 17, 2026
DOCKET	2:26-cv-00133
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's proposed findings and recommendation concerning the plaintiff's application to proceed without prepayment of fees or costs. No objections were filed, and the district court adopted the PF&R.
STANDARD OF REVIEW	When no specific objections are filed to a magistrate judge's proposed findings and recommendation, the district court is not required to conduct de novo review of the factual or legal conclusions. General and conclusory objections that do not identify a specific error likewise do not require de novo review.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; precedential status is unknown from the source.

TOPICS

- civil procedure
- motions to dismiss

PRACTICE AREAS

civil procedure

federal courts

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review of the magistrate judge's proposed findings and recommendation when no objections were filed.
2. Whether the court should adopt the magistrate judge's recommendation, deny the application to proceed without prepayment of fees or costs, and dismiss the action.

HOLDINGS

1. The district court was not required to review de novo, or under any other standard, the factual or legal conclusions in the portions of the PF&R to which no objections were filed.
2. The court adopted the PF&R, denied the application to proceed without prepayment of fees or costs, and dismissed the civil action from the docket.

KEY QUOTATIONS

"The Court is not required to review, under 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."

"Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order."

"In addition, this Court need not conduct a 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.""

FACTUAL BACKGROUND

The plaintiff sought permission to proceed without prepayment of fees or costs. A magistrate judge recommended denying that application and dismissing the civil action with prejudice. The plaintiff filed no objections to the proposed findings and recommendation by the March 16, 2026 deadline.

PROCEDURAL HISTORY

Plaintiff Anthony Mills filed an application to proceed without prepayment of fees or costs. The case was referred to Magistrate Judge Dwane L. Tinsley, who recommended denying the application and dismissing the civil action with prejudice. After the deadline for objections passed without any objections, the district court adopted the PF&R, denied the application, and dismissed the case from the docket.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989)
- United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION ANTHONY MILLS, Plaintiff, v. CIVIL ACTION NO. 2:26-cv-00133 ARLENE BLUTH, Defendant. MEMORANDUM OPINION AND ORDER Pending before the Court is Plaintiff Anthony Mills's Application to Proceed Without Prepayment of Fees or Costs. (ECF No. 1.) By Standing Order entered September 1, 2024 and filed in this case on February 24, 2026, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation ("PF&R").

(ECF No. 3.) Magistrate Judge Tinsley filed his PF&R on February 25, 2026, recommending that the Court DENY the Application to Proceed Without Prepayment of Fees and that this civil action be DISMISSED with prejudice. (ECF No. 4.)

The Court is not required to review, under 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). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order.

28 U.S.C. § 636(b)(1); see also Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a 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 to the PF&R in this case were due on March 16, 2026. (ECF No. 4.) To date, no objections have been filed. Accordingly, the Court ADOPTS the PF&R, (ECF No. 4), DENIES the Application to Proceed Without Prepayment of Fees, (ECF No. 1), and DISMISSES this case from the docket. IT IS SO ORDERED.

The Court DIRECTS the Clerk to send a copy of this Order to counsel of record and any unrepresented party. ENTER: June 17, 2026 THOMAS E. JOHNSTON UNITED STATES DISTRICT JUDGE

