

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
WEST VIRGINIA

Ross Matthew Cataffo v. Jackson County Police Department, et al.

Cataffo · No. 2:25-cv-00524 · Decided February 18, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted a magistrate judge’s proposed findings and recommendation in a pro se civil rights action. The court denied the plaintiff’s application to proceed without prepayment of fees and costs, dismissed the complaint and amended complaint, and removed the matter from the docket after no timely objections were filed.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                         |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of West Virginia                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Irene C. Berger                                                                                                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Southern District of West Virginia                                                                                                                                                                                                                                                 |
| DECIDED               | February 18, 2026                                                                                                                                                                                                                                                                                                       |
| DOCKET                | 2:25-cv-00524                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | The district court reviewed a magistrate judge's Proposed Findings and Recommendation recommending denial of the plaintiff's application to proceed without prepayment of fees and costs, dismissal of the complaint and amended complaint, and removal of the matter from the docket. No timely objections were filed. |
| STANDARD OF REVIEW    | Because no timely objections were filed, the district court stated that it was not required to review the magistrate judge's factual or legal conclusions under de novo or any other standard.                                                                                                                          |
| PRECEDENTIAL VALUE    | unpublished district court memorandum opinion; precedential status unknown                                                                                                                                                                                                                                              |
| PARTIES               | Ross Matthew Cataffo v. Jackson County Police Department, et al.                                                                                                                                                                                                                                                        |

TOPICS

- civil procedure
- pleadings
- section 1983

## PRACTICE AREAS

civil procedure

civil rights

## QUESTIONS PRESENTED

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

## HOLDINGS

1. When no timely objections are filed, the district court is not required to review the magistrate judge's factual or legal conclusions under de novo or any other standard, and failure to object waives de novo review and the right to appeal the resulting order.
2. The court adopted the magistrate judge's recommendation, denied the plaintiff's application to proceed without prepayment of fees and costs, dismissed the complaint and amended complaint, and removed the matter from the docket.

## KEY QUOTATIONS

*“Failure to file timely objections constitutes a waiver of de novo review and a party’s right to appeal this Court’s Order.”* (at 1)

*“Accordingly, the Court ADOPTS and incorporates herein the findings and recommendation of the Magistrate Judge”* (at 1)

## FACTUAL BACKGROUND

The plaintiff, proceeding pro se, filed an application to proceed without prepayment of fees and costs, a complaint, an amended complaint, and supporting documentation. The magistrate judge recommended denial of the fee application and dismissal of the pleadings. The plaintiff did not file timely objections to that recommendation.

## PROCEDURAL HISTORY

Cataffo filed an application to proceed without prepayment of fees and costs and a complaint on September 2, 2025, followed by an amended complaint and additional supporting materials. The matter was referred to Magistrate Judge Omar J. Aboulhosn, who issued Proposed Findings and Recommendation on January 21, 2026. After no timely objections were filed, the district court adopted the recommendation, denied the fee application, dismissed the pleadings, and removed the matter 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)

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