

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PRECEDENTIAL VALUE	unpublished district court memorandum opinion; precedential status unknown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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION ROSS MATTHEW CATAFFO, Plaintiff, v. CIVIL ACTION NO. 2:25-cv-00524 JACKSON COUNTY POLICE DEPARTMENT, et al., Defendants. MEMORANDUM OPINION AND ORDER On September 2, 2025, the Plaintiff, proceeding pro se, filed an Application to Proceed Without Prepayment of Fees and Costs (Document 1) and a Complaint (Document 2).

Subsequently, on September 15, 2025, the Plaintiff filed an Amended Complaint (Document 6) and, on September 22, 2025, he filed additional supporting documentation (Document 7). By Administrative Order (Document 3) entered on September 3, 2025, the matter was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On January 21, 2026, the Magistrate Judge submitted a Proposed Findings and Recommendation (Document 8) wherein it is recommended that this Court deny the Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (Document 1), dismiss the Plaintiff's Complaint and Amended Complaint (Documents 2, 6 & 7), and remove this matter from the Court's docket. | Objections to the Magistrate Judge's Proposed Findings and Recommendation were due by February 9, 2026.

Neither party has timely filed objections to the Magistrate Judge's Proposed Findings and Recommendation. The Court is not 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).

Failure to file timely objections constitutes a waiver of de novo review and a party'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).

Accordingly, the Court ADOPTS and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation, and ORDERS that the Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (Document 1) be

DENIED, the Plaintiff's Complaint and Amended Complaint (Documents 2, 6 & 7) be DISMISSED, and this matter be REMOVED from the Court's docket.

The Court DIRECTS the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party. ENTER: February 18, 2026 Dire. Bengert UNITED STATES DISTRICT JUDGE SOUTHERN DISTRICT OF WEST VIRGINIA