

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Ross Matthew Cataffo v. Econo Lodge by Wyndham and Super 8
Hotel

Cataffo · No. 2:25-cv-00537 · Decided November 24, 2025

SUMMARY

The United States District Court for the Southern District of West Virginia adopts a magistrate judge’s recommendation in Ross Matthew Cataffo’s action against Econo Lodge by Wyndham and Super 8 Hotel. The court denies the application to proceed without prepayment of fees and costs, dismisses the complaint without prejudice for failure to comply with court orders, and removes the matter from the docket.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	November 24, 2025
DOCKET	2:25-cv-00537
DISPOSITION	dismissed
PROCEDURAL POSTURE	After the pro se plaintiff failed to submit a completed in forma pauperis application, pay the required fees, or amend his complaint as ordered, the magistrate judge recommended denial of in forma pauperis status and dismissal without prejudice. No timely objections were filed, and the district court adopted the recommendation.
STANDARD OF REVIEW	Because no timely objections were filed, the district court was not required to conduct de novo or other review of the magistrate judge's factual or legal conclusions; failure to object waived de novo review and the right to appeal the order.
PRECEDENTIAL VALUE	Unknown; memorandum opinion and order from a federal district court
PARTIES	Ross Matthew Cataffo v. Econo Lodge by Wyndham, Super 8 Hotel

TOPICS

civil procedure

pleadings

PRACTICE AREAS

civil procedure

federal civil procedure

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's proposed findings and recommendation when no timely objections were filed.
2. Whether the plaintiff's failure to comply with orders requiring a completed in forma pauperis application or payment of fees and an amended complaint warranted denial of the application and dismissal without prejudice.

HOLDINGS

1. When no timely objections are filed, the district court is not required to conduct de novo or other review of the magistrate judge's factual or legal conclusions, and failure to object waives de novo review and the right to appeal the order.
2. The plaintiff's failure to comply with orders requiring a completed application to proceed without prepayment of fees or payment of fees and an amended complaint warranted denial of the application and dismissal of the complaint without prejudice.

KEY QUOTATIONS

“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.”

FACTUAL BACKGROUND

Ross Matthew Cataffo filed a complaint and an application to proceed without prepayment of fees and costs. The magistrate judge ordered him to submit a completed application or pay the required fees and to amend his complaint by October 14, 2025. Cataffo did not comply with either order and did not timely object to the magistrate judge's recommendation of dismissal.

PROCEDURAL HISTORY

The plaintiff filed an application to proceed without prepayment of fees and costs and a complaint on September 4, 2025. The magistrate judge ordered him to submit a completed application or pay the filing and administrative fees and separately ordered him to amend his complaint, warning that noncompliance could result in dismissal. The plaintiff did not respond, and the magistrate judge recommended denial of the application and dismissal without prejudice. The district court adopted the recommendation, denied the application, dismissed the complaint without prejudice, and removed the case from its 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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