

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

**PRACTICE AREAS****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)

#### OPINION

Cataffo

PER CURIAM.

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-00537

ECONO LODGE BY WYNDHAM

and SUPER 8 HOTEL, Defendants.

#### MEMORANDUM OPINION AND ORDER

On September 4, 2025, the Plaintiff, proceeding pro se, filed an Application to Proceed Without Prepayment of Fees and Costs (Document 1) and a Complaint (Document 2). By Administrative Order (Document 3) entered on September 5, 2025, this action 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. By Order (Document 4) entered on September 24, 2025, the Magistrate Judge ordered the Plaintiff to submit a completed Application to Proceed Without Prepayment of Fees and Costs or, in the alternative, to pay the filing and administrative fees no later than October 14, 2025. Additionally, by separate Order (Document 5) entered on September 24, 2025, the Magistrate Judge ordered the Plaintiff to amend his Complaint no later than October 14, 2025. In both orders, the Plaintiff was advised that failure to comply would result in a recommendation of dismissal. The Plaintiff did not respond to either of the Court's orders. 1 On October 30, 2025, the Magistrate Judge submitted a Proposed Findings and Recommendation (Document 6) wherein it is recommended that this Court deny the Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (Document 1) and dismiss this action from the Court's docket without prejudice. Objections to the Magistrate Judge's Proposed Findings and Recommendation were due by November 17, 2025. 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 (Document 2) be DISMISSED WITHOUT PREJUDICE, 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: November 24, 2025  
Dike CO. Seageh/

UNITED STATES DISTRICT JUDGE

SOUTHERN DISTRICT OF WEST VIRGINIA