

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

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