

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Brian Lee Corbett v. James Sands, et al.

Corbett · No. 2:25-cv-00337 · Decided March 20, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia adopted the magistrate judge’s Proposed Findings and Recommendation without objection. The court denied Brian Lee Corbett’s application to proceed without prepayment of fees and costs, dismissed the complaints, and removed the action 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	March 20, 2026
DOCKET	2:25-cv-00337
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 complaints, and removal of the matter from the docket. No timely objections were filed.
STANDARD OF REVIEW	When no timely objection is made to a magistrate judge's proposed findings and recommendation, the district court is not required to conduct de novo or any other review of the unobjected-to factual or legal conclusions.
PRECEDENTIAL VALUE	Unknown
PARTIES	Brian Lee Corbett v. James Sands, et al.

TOPICS

- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo 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 complaints, and remove the matter from the docket.

HOLDINGS

1. A party's failure to file timely objections waives de novo review and the party's right to appeal the district court's order; the district court is not required to review unobjected-to factual or legal conclusions under de novo or any other standard.
2. The court adopted the magistrate judge's Proposed Findings and Recommendation, denied the application to proceed without prepayment of fees and costs, dismissed the complaints, 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.” (unpaginated)

“Accordingly, the Court ADOPTS and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation” (unpaginated)

FACTUAL BACKGROUND

Brian Lee Corbett, proceeding pro se, filed a civil complaint and an amended complaint against James Sands and other defendants. He also applied to proceed without prepayment of fees and costs. The magistrate judge recommended denying that application and dismissing the complaints, and the proposed recommendation mailed to Corbett was returned as undeliverable.

PROCEDURAL HISTORY

Plaintiff filed an original complaint on May 22, 2025, followed by an application to proceed without prepayment of fees and costs and an amended complaint. The matter was referred to Magistrate Judge Omar J. Aboulhosn under 28 U.S.C. § 636. The magistrate judge issued Proposed Findings and Recommendation on February 24, 2026, and the district court adopted the recommendation after no timely objections were filed.

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 BRIAN LEE CORBETT, Plaintiff, v. CIVIL ACTION NO. 2:25-cv-00337 JAMES SANDS, et al., Defendants. MEMORANDUM OPINION AND ORDER On May 22, 2025, the Plaintiff, proceeding pro se, filed his Complaint (Document 1) in this matter. Subsequently, on June 9, 2025, the Plaintiff filed an Application to Proceed Without Prepayment of Fees and Costs (Document 5) and an Amended Complaint (Document 6).

By Administrative Order (Document 4) entered on May 23, 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.

On February 24, 2026, the Magistrate Judge submitted a Proposed Findings and Recommendation (Document 9) wherein it is recommended that this Court deny the Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (Document 5), dismiss the Plaintiff's Complaints (Documents 1 and 6), and remove this matter from the Court's docket. 1 Objections to the Magistrate Judge's Proposed Findings and Recommendation were due by March 13, 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 5) be DENIED, the Plaintiff's Complaints (Documents 1 and 6) 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: March 20, 2026 Dike CO. Seageh/ UNITED STATES DISTRICT JUDGE SOUTHERN DISTRICT OF WEST VIRGINIA The docket reflects that the Proposed Findings and Recommendation mailed to the Plaintiff was returned as undeliverable on March 2, 2026.

