

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JAMES F. PIPES,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-cv-00921

CORRECTIONAL MEDICAL SERVICES, et al.,

Defendants.

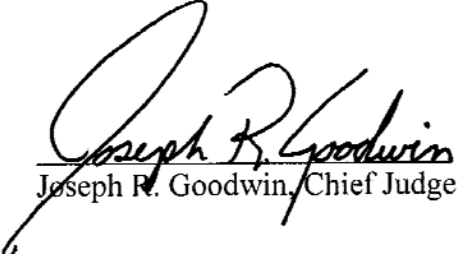
**MEMORANDUM OPINION AND ORDER**

Pending before the court is the petitioner's Complaint [Docket 1], Application to Proceed without Prepayment of Fees or Costs [Docket 2], and Motion for Immediate Injunctive Relief [Docket 6]. This action was referred to the Honorable Mary E. Stanley, 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(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court deny the petitioner's motions.

The petitioner timely filed written objections to the Magistrate Judge's findings of fact and recommendation. Having reviewed the petitioner's objections *de novo*, the court **FINDS** that they are without merit. Accordingly, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge, **DISMISSES** the Complaint [Docket 1], **DENIES** the Application to Proceed without Prepayment of Fees or Costs [Docket 2], and **DENIES** Motion for Immediate Injunctive Relief [Docket 6].

The court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER: December 10, 2009

  
Joseph R. Goodwin, Chief Judge