

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

CHRISTOPHER SALDIVAR,

Plaintiff,

v.

Civil Action No. 2:11-00424

AVI FOODSYSTEMS, INC.,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending is the motion for summary judgment filed April 27, 2012, by defendant AVI Foodsystems, Inc.

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b) (1) (B).

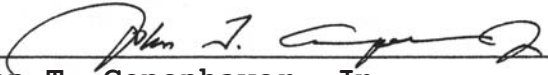
The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on August 15, 2012. The magistrate judge recommends that the motion for summary judgment be granted and that plaintiff's claims be dismissed. The plaintiff has not objected to the Proposed Findings and Recommendation. Having reviewed the matter de novo, the court concludes that the recommended disposition is correct.

Based upon the foregoing considerations, the court  
ORDERS as follows:

1. That the Proposed Findings and Recommendation be, and it hereby is, adopted by the court;
2. This action be, and it hereby is, dismissed with prejudice.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: September 21, 2012

  
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John T. Copenhaver, Jr.  
United States District Judge