

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

WILLIE L. HARRIS,

Plaintiff,

v.

Civil Action No. 2:13-10803

DAVID BALLARD, Warden, and  
CHARLES LEGG, Lieutenant, and  
TERRY KINDER and  
TIMOTHY PERKINS,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending are the motions by defendants Warden David Ballard and Lieutenant Charles Legg to dismiss the amended complaint, filed November 25, 2013, and by plaintiff Willie L. Harris "to dismiss the responses of the defendants David Ballard and Charles Legg's Response in Opposition to the Plaintiff's motion for Preliminary Injunction" ("motion to dismiss"), filed December 12, 2013

This action was previously referred to Dwane L. Tinsley, United States Magistrate Judge, who has submitted his 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 April 7, 2014.


The magistrate judge recommends dismissal of plaintiff's claims against defendants Ballard and Legg. The plaintiff has not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

Accordingly, based upon the foregoing, it is ORDERED as follows:

1. That the Proposed Findings and Recommendation be, and it hereby is, adopted by the court;
2. That the motion to dismiss filed by defendants Ballard and Legg be, and hereby is, granted;
3. That the plaintiff's motion to dismiss be, and hereby is, denied; and
4. That this action be, and hereby is, referred anew to the magistrate judge under the terms set forth in the standing order entered May 9, 2013.

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: July 18, 2014

  
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John T. Copenhaver, Jr.  
United States District Judge