

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

MARTIN RILEY ROBINSON

Plaintiff,

v.

Civil Action No. 2:13-13686

DAVID MON, CO II, and  
JAMES RUBENSTEIN, Commissioner of Corrections, and  
DAVID BALLARD, Warden, and  
DONNA WARDEN, H.S.A. at Wexford Health Services at M.O.C.C.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending are the motion by defendant Donna Warden to dismiss, filed December 11, 2013, and a motion by defendant David Ballard, David Mon, and James Rubenstein to dismiss, filed the same date.

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 July 29, 2014. The magistrate judge recommends dismissal of the plaintiff's complaint against all defendants. The plaintiff has not

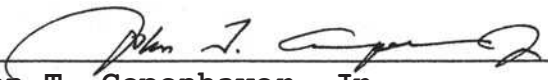
objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

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

1. That the Proposed Findings and Recommendation be, and they hereby are, adopted by the court;
2. That the motion to dismiss filed by defendant Donna Warden be, and hereby is, granted;
3. That the motion to dismiss filed by defendants David Ballard, David Mon, and James Rubenstein be, and hereby is, granted; and
4. That this action be, and it hereby is, dismissed and stricken from the docket of this court.

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: August 19, 2014

  
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John T. Copenhaver, Jr.  
United States District Judge