

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

**CHARLESTON DIVISION**

KEITH DEMENT,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-17420

DAVID BALLARD,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Dwane L. Tinsley, 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 **DISMISS** this matter, without prejudice, for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Neither party has filed objections to the Magistrate Judge's findings and recommendation. Accordingly, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge. The court **DISMISSES** this matter without prejudice.

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

ENTER: December 8, 2014

  
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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE