

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ANDREW MILLER,

Petitioner,

v.

Civil Action No. 2:21-cv-00478

WARDEN,

Respondent.

ORDER

The court having received the Proposed Findings and Recommendations of United States Magistrate Judge Cheryl A. Eifert, entered on January 6, 2022 (ECF No. 10); and the magistrate judge having recommended that the court dismiss Andrew Miller's pro se Petition for a Writ of Habeas Corpus without prejudice; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that the findings made in the Proposed Findings and Recommendations of the magistrate judge (ECF No. 10) be, and they hereby are, adopted by the court and incorporated herein.

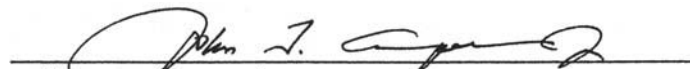
Accordingly, it is further ORDERED that Petitioner Andrew Miller's pro se Petition for a Writ of Habeas Corpus (ECF No. 1) be, and here by is, dismissed without prejudice, pursuant

to Federal Rule of Civil Procedure 41(b) and Local Rule of Civil Procedure 41.1.

The Clerk is directed to remove this action from the court's docket.

The Clerk is directed to forward copies of this memorandum opinion and order to all counsel of record, any unrepresented party, and United States Magistrate Judge Eifert.

Enter: April 18, 2022



John T. Copenhaver, Jr.
Senior United States District Judge