

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

WILLIAM E. SMITH,

Plaintiff,

v.

CIVIL ACTION NO. 3:12-CV-7358

WEST VIRGINIA REGIONAL JAIL  
& CORRECTIONAL FACILITY AUTHORITY;  
WESTERN REGIONAL JAIL;  
CORRECTIONAL OFFICER BERLIN;  
CORRECTIONAL OFFICER MARCUM;  
CORRECTIONAL OFFICER BLANKENSHIP;  
CORRECTIONAL OFFICER GOODWIN;  
CORRECTIONAL OFFICER VANMETER; AND  
CORRECTIONAL OFFICER LAMBERT,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, 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 Motion to Dismiss on Behalf of Defendants, West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail, (ECF No. 74), and the Amended Motion to Dismiss on Behalf of the Defendants, (ECF No. 90), be **GRANTED**; Plaintiff's Motion in Opposition to the Defendants' Motion, (ECF No. 79), be **DENIED**; Plaintiff's Motion to Release the West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail, (ECF No. 108), be **GRANTED**; Plaintiff's complaint and amended complaint be **DISMISSED, with prejudice**, against the West Virginia Regional Jail & Correctional Facility

Authority and the Western Regional Jail, but continue to pend against the remaining defendants; and the West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail be removed as defendants from the style of this civil action.

Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and, consistent with the findings and recommendations, **ORDERS** that:

1. The Motion to Dismiss on Behalf of Defendants, West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail, (ECF No. 74), and the Amended Motion to Dismiss on Behalf of the Defendants, (ECF No. 90), be **GRANTED**;
2. Plaintiff's Motion in Opposition to the Defendants' Motion, (ECF No. 79), be **DENIED**;
3. Plaintiff's Motion to Release the West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail, (ECF No. 108), be **GRANTED**;
4. Plaintiff's complaint and amended complaint be **DISMISSED, with prejudice**, against the West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail, but continue to pend against the remaining defendants; and
5. The West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail be removed as defendants from the style of this civil action.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: July 18, 2013

  
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ROBERT C. CHAMBERS, CHIEF JUDGE