

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

DANIELLE L. KRAMER O'MARA,

Plaintiff,

v.

Case No. 2:16cv489

VIRGINIA DEPARTMENT
OF CORRECTIONS,

Defendant.

ORDER

This matter comes before the court on defendant's Motion for Summary Judgment (ECF No. 33) filed on February 23, 2017, and plaintiff's Motion to Strike Defendant's Motion for Summary Judgment (ECF No. 40) filed March 30, 2017. The matters were referred to a United States Magistrate Judge by Order of March 16, 2017 (ECF No. 38), and by Order of April 6, 2017 (ECF No. 44), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the matters.

A hearing on both motions took place on April 21, 2017, and the United States Magistrate Judge's Report and Recommendation (ECF No. 49) was filed on May 15, 2017. The Magistrate Judge recommended that the court deny defendant's Motion for Summary Judgment, and also deny

plaintiff's Motion to Strike Defendant's Motion for Summary Judgment.

By copy of the Report and Recommendation of the Magistrate Judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired. The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed May 15, 2017. Accordingly, defendant's Motion for Summary Judgment is **DENIED**, and plaintiff's Motion to Strike Defendant's Motion for Summary Judgment is **DENIED**.

The Clerk shall forward a copy of this Order to all parties of record.

It is so **ORDERED**.

/s/
Rebecca Beach Smith
-BBB Chief Judge

REBECCA BEACH SMITH
CHIEF JUDGE

June 2 , 2017