

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

NEIL MACK FLEMING and)	
MELANIE FLEMING,)	
Plaintiffs,)	Civil Action No. 2:09cv00009
)	
v.)	<u>ORDER</u>
)	
DICKENSON COUNTY)	
BUILDING DEPARTMENT, et al.)	BY: GLEN M. WILLIAMS
Defendants.)	SENIOR UNITED STATES DISTRICT JUDGE

This case is currently before the court on the defendants’ motions to dismiss, (Docket Item Nos. 6 and 9). The case was referred, pursuant to 28 U.S.C. § 636(b)(1)(B), to the Honorable Pamela Meade Sargent, United States Magistrate Judge. On May 18, 2009, the Magistrate Judge entered a report and recommendation, (Docket Item No. 19), (“the Report”), recommending that the motions to dismiss be granted without prejudice. Objections to the Report were due by June 5, 2009; however, no objections were filed. As such, the Magistrate Judge’s Report shall be **ACCEPTED**.

Accordingly, for the reasons set forth in the Magistrate Judge’s Report, the defendants’ motions to dismiss are hereby **GRANTED WITHOUT PREJUDICE**.

The Clerk is directed to enter this Order and send copies of this Order to all counsel of record. The Clerk is further directed that this case is to be stricken from the docket.

ENTER: This 8th day of June 2009.

/s/ *Glen M. Williams*
SENIOR UNITED STATES DISTRICT JUDGE