

SEP 08 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA G. DUDLEY, CLERK
BY: 
DEPUTY CLERK

COREY SMITH,)	CASE NO. 7:14CV00168
)	
Plaintiff,)	
v.)	ORDER
)	
)	
LT. J. ELY, <u>ET AL.</u> ,)	By: Glen E. Conrad
)	Chief United States District Judge
Defendant(s).)	

This prisoner civil rights action under 42 U.S.C. § 1983 was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). On August 11, 2015, the Magistrate Judge filed a report recommending that Defendant Mathena's motion for judgment on the pleadings be denied. The parties were advised of their right to file written objections to the report and recommendation. The time for so doing has lapsed, and neither party has filed objections. The court is satisfied that there is no clear error on the face of the record. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). Accordingly, it is hereby

ADJUDGED AND ORDERED

that the report and recommendation (ECF No. 120) is hereby **ADOPTED IN ITS ENTIRETY**, and Defendant Mathena's motion for judgment on the pleadings (ECF No. 93) is **DENIED**.¹

ENTER: This 8th day of September, 2015.



Chief United States District Judge

¹ The court notes that the Magistrate Judge conducted court proceedings on August 12 and 13, 2015, in this matter and will issue a report stating her findings, conclusions and recommendations.