

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 1:14-27450

SHERIFF T.A. BAILEY,
as representative of the
ESTATE OF TIMOTHY W. CANADAY,
et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant T.A. Bailey's Motion to Dismiss. (ECF No. 87). That motion was filed in the same document as defendant's Answer and was not accompanied by a memorandum in support. Local Rule of Civil Procedure 7.1(a)(2) requires a motion to dismiss be accompanied by a memorandum and further provides that "[i]f a memorandum is not submitted as required by this rule or by the court, the motion will be denied without prejudice." Based on the foregoing, defendant's motion to dismiss is **DENIED** without prejudice.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record and unrepresented parties.

IT IS SO ORDERED this 11th day of June, 2018.

ENTER:



David A. Faber

Senior United States District Judge