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

SHELIA HALLMAN-WARNER and
ROSCOE OLIVER WARNER,

Plaintiffs,

v. **CIVIL ACTION NO. 1:17-02882**

BLUEFIELD STATE COLLEGE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is defendants' (1) Motion to Dismiss the Complaint, (ECF No. 28), (2) Motion to Strike Reply to Response, (ECF No. 37), and (3) Motion to Strike Plaintiffs' Supplement to Complaint, (ECF No. 41). By Standing Order, this matter was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). ECF. No. 9. Magistrate Judge Eifert submitted to the court her Proposed Findings and Recommendation on January 19, 2018, in which she recommended that the district court (1) grant defendants' motion to strike plaintiffs' reply to defendants' response, (2) deny defendants' motion to strike plaintiffs' supplement, and (3) grant defendants' motion to dismiss. See ECF No. 48.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge

Eifert's Findings and Recommendation. The failure to file such objections constitutes a waiver of the right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Plaintiffs failed to file any objections to the magistrate judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Eifert, the court hereby **ADOPTS** the factual and legal analysis contained within the Findings and Recommendation and (1) **GRANTS** defendants' motion to strike reply to response, (ECF No. 37), (2) **DENIES** defendants' motion to strike plaintiffs' supplement, (ECF No. 41), and (3) **GRANTS** defendants' motion to dismiss as follows:

(1) Plaintiffs' Title VII claims are dismissed, with prejudice;

(2) Plaintiffs' unexhausted claims are dismissed, without prejudice; and

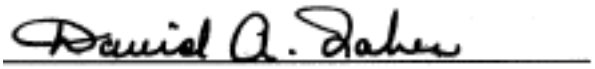
(3) Plaintiffs' Fourth Amendment and defamation claims are dismissed, without prejudice, as variation of these claims may be filed in state court.

See ECF No. 28. Accordingly, the court **DIRECTS** the Clerk to remove this case from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and plaintiffs, pro se.

IT IS SO ORDERED this 13th day of March, 2018.

ENTER:



David A. Faber
Senior United States District Judge