

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

JAMES MELVIN DEWITT,

Plaintiff,

v.

CIVIL ACTION NO. 1:20-00309

MCDOWELL COUNTY BOARD
OF EDUCATION,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Proposed Findings and Recommendation ("PF&R") on May 3, 2021, in which he recommended that the court grant Defendant McDowell County Board of Education's motion for summary judgment (ECF No. 28) and deny as moot defendant's motion to dismiss (ECF No. 10) and defendant's motion regarding discovery responses (ECF No. 19).

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days and three mailing days in which to file objections to the PF&R. The failure of any party to file such objections within the time allowed constitutes a waiver of such party's right to a de novo review

by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party filed any objections to the PF&R within the required time period. Accordingly, the court adopts the PF&R as follows:

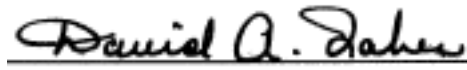
1. Defendant's motion for summary judgment (ECF No. 28) is **GRANTED**;
2. Defendant's motion to dismiss (ECF No. 10) is **DENIED** as moot; and
3. Defendant's Motion for an Order (1) Deeming Defendant's First Set of Requests for Admissions to Plaintiff Admitted, (2) Striking Plaintiff's Responses (of December 31, 2020) to Defendant's Request for Admissions, and (3) Striking Plaintiff's First Set of Interrogatories, Requests for Production, and Requests for Admissions to Defendant (ECF No. 19) is **DENIED** as moot.¹
4. This action is **DISMISSED** from the court's docket.

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

¹ The court acknowledges that defendant withdrew this motion in part on February 12, 2021. (See ECF No. 27). By this order, the motion is dismissed as moot to the extent it was not already withdrawn.

IT IS SO ORDERED this 14th day of June, 2021.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a solid horizontal line.

David A. Faber

Senior United States District Judge