

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CHARLES JOHNSON,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-cv-00901

NAOMI ROBERTS, et al.,

Defendants.

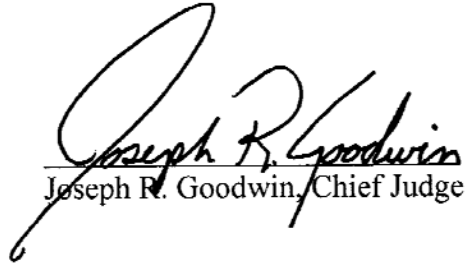
MEMORANDUM OPINION AND ORDER

Pending before the court is the defendants' Motion to Dismiss [Docket 18]. This case was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court grant the defendants' Motion to Dismiss.

The plaintiff timely filed written objections to the Magistrate Judge's findings of fact and recommendation. Having reviewed the petitioner's objections *de novo*, the court **FINDS** that they are without merit. Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, and **GRANTS** the Motion to Dismiss.

The Motion to Dismiss [Docket 18] is **GRANTED**. This case shall be **DISMISSED** and **STRICKEN** from the docket. The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER: August 24, 2010


Joseph R. Goodwin, Chief Judge