

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DAVID NELSON,

Plaintiff,

v.

Civil Action No. 2:09-cv-01108

JUDGE MICHAEL THORNSBURY,
Circuit Court for Mingo County,
C. MICHAEL SPARKS,
Prosecutor for Mingo County,
JIM GILLMAN, Investigator,
MARK HOBBS, Attorney at law,
JOHN W. MILAM, Chief Investigator,
West Virginia State Police,
ALFRED DINGESS, JR.,
ZANDEL BRYANT, Northern Regional
Jail & Correctional Facility,
LANETTA BAISDEN,
also known as Lanetta Nelson,
JANE DOE, Child Protective Services
Worker, DHHS, for Mingo County,
JOHN MARK HUBBARD, President
Mingo County Commission,
DAVID BAISDEN, Mingo County Commission, and
GREG SMITH, Mingo County Commission,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley,
United States Magistrate Judge, who has submitted her Proposed
Findings and Recommendation pursuant to the provisions of 28
U.S.C. § 636(b)(1)(B).

The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on January 12, 2010. The magistrate judge recommends dismissal of plaintiff's complaint for failure to state a claim upon which relief can be granted as to defendants Alfred Dingess, Jr., Zandel Bryant, Lanetta Baisden, Jane Doe, John Hubbard, David Baisden, and Greg Smith. The plaintiff has not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

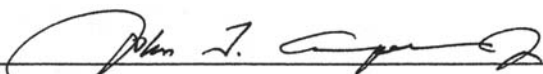
Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendation be, and it hereby is, adopted by the court;

2. This action be, and it hereby is, dismissed with prejudice as to defendants Alfred Dingess, Jr., Zandel Bryant, Lanetta Baisden, Jane Doe, John Hubbard, David Baisden, and Greg Smith.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: March 17, 2010


2 John T. Copenhaver, Jr.
United States District Judge