

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

CHARLESTON DIVISION

JONATHAN D. EADS,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-cv-00136

WEXFORD HEALTH SOURCES, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action 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 proposed findings of fact and a recommendation (“PF&R”). The PF&R suggests that the court **GRANT** the Motion to Dismiss filed by defendants Ballard, Hoke, and Rubenstein [Docket 26], **DISMISS** the claims against defendants Rosencrance and Sotak pursuant to 28 U.S.C. § 1915A, **DENY** the Motion to Dimiss filed by defendants Wexford Health Sources, Inc., Gajendragadkar, Proctor, and Tenney [Docket 28], and **DENY** the plaintiff’s request for injunctive relief.

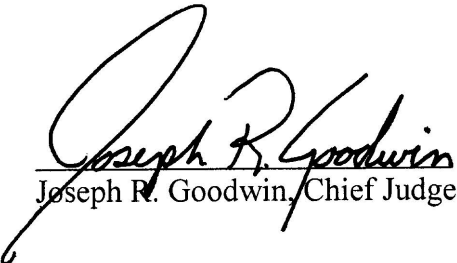
Neither party has filed objections to the Magistrate Judge’s PF&R. The failure to object to a magistrate judge’s report may be deemed a waiver of appeal of the substance of the report and the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). The court has reviewed the Magistrate Judge’s findings of fact and recommendations and finds no clear error on

the face of the record. Therefore, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent with the PF&R.

Accordingly, the court **GRANTS** the Motion to Dismiss filed by defendants Ballard, Hoke, and Rubenstein [Docket 26], and the court **DISMISSES** the claims against defendants Rosencrance and Sotak pursuant to 28 U.S.C. § 1915A. The Clerk should terminate defendants Ballard, Hoke, Rubenstein, Rosencrance, and Sotak from this action. Furthermore, the court **DENIES** the Motion to Dimiss filed by defendants Wexford Health Sources, Inc., Gajendragadkar, Proctor, and Tenney [Docket 28], and the court **DENIES** the plaintiff's request for injunctive relief.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 24, 2011


Joseph R. Goodwin, Chief Judge