

**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.

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 findings of fact and has recommended that the court **DISMISS** this action **without prejudice** for the plaintiff's failure to prosecute and **DENY without prejudice** the Wexford defendants' pending Motion to Dismiss [Docket 45]. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

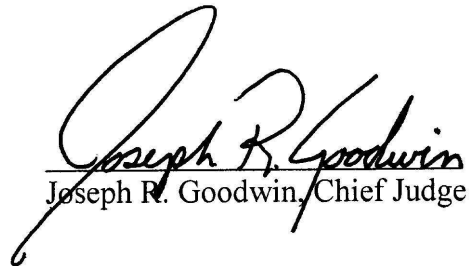
A district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

As the parties have not filed objections in this case, the court accepts and incorporates herein

the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendations. The court **DISMISSES** this action **without prejudice**, **DENIES without prejudice** the Wexford defendants' Motion to Dismiss [Docket 45], and **DIRECTS** that this action be removed from the docket.

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

ENTER: July 21, 2011


Joseph R. Goodwin, Chief Judge