

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

1STARR DALTON,

Plaintiff,

v.

Civil Action No. 2:10-cv-00214

WEST VIRGINIA DIVISION OF CORRECTIONS,  
DAVID BALLARD, Warden, Mount Olive  
Correctional Complex, JIM RUBENSTEIN,  
Commissioner, West Virginia Division of  
Corrections, CPT. JASON COLLINS,  
LT. MARGARET CLIFFORD, SGT. CURTIS DIXON,  
CPS. CLINT RYAN, CPL. NATE KENDRICK,  
MICHAEL ANGEL, GARRATTE ADAMS, and  
BRIAN GREENWOOD,

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 June 23, 2010.  
The magistrate judge recommends that plaintiff's case be  
dismissed without prejudice for failure to pay the filing fee.  
The parties have not objected to the Proposed Findings and

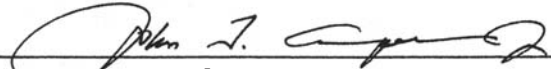
Recommendation. The court concludes the recommended disposition is correct.

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 without prejudice.

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: July 26, 2010

  
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John T. Copenhaver, Jr.  
United States District Judge