

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

ROBERT BLAKE,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-cv-01152

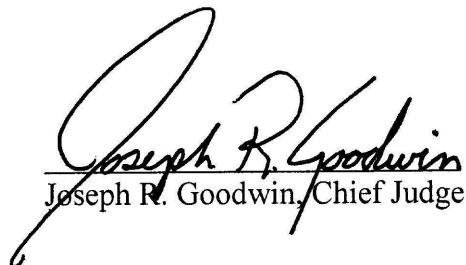
DAVID BALLARD, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

The plaintiff filed this *pro se* action seeking injunctive relief in the form of an Order by the court to stop the elimination of the indigent pay program at Mount Olive Correctional Complex. The court referred this action to the Honorable Mary E. Stanley, United States Magistrate Judge, for Proposed Findings and Recommendation. The Magistrate Judge recommended that this action be dismissed as frivolous pursuant to 28 U.S.C. § 1915A and the plaintiff failed to timely file any objections. Accordingly, the court adopted the Magistrate Judge's findings and dismissed this action with prejudice [Docket 4]. The plaintiff has now filed an Amended Complaint asserting the same claims that were set forth in the original Complaint. Because the Amended Complaint is barred by *res judicata*, the court **DISMISSES** the Amended Complaint with prejudice pursuant to 28 U.S.C. § 1915A. The court **DIRECTS** the Clerk to send a certified copy of this Memorandum Opinion and Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER: November 22, 2010


Joseph R. Goodwin, Chief Judge