

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CLENNEL P. COBB,

Plaintiff,

v.

CIVIL ACTION NO. 2:11-00283

CORRECTIONAL MEDICAL SERVICES ("CMS")
and JIM RUBENSTEIN, Commissioner,
Division of Corrections,

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 21, 2011. The magistrate judge recommends dismissal of plaintiff's complaint for failure to state a claim upon which relief can be granted. The magistrate judge further recommends that plaintiff's Motion for Leave to Proceed In Forma Pauperis and his Application to Proceed Without Prepayment of Fees be denied. The plaintiff has not objected to the Proposed Findings and

Recommendation. The court concludes the recommended disposition is correct.

Having reviewed the entirety of the record herein, it is ORDERED that:

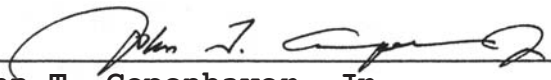
1. The Proposed Findings and Recommendation be, and it hereby is, adopted by the court;

2. Plaintiff's Motion for Leave to Proceed In Forma Pauperis and his Application to Proceed Without Prepayment of Fees be, and they hereby are, denied; and

3. This action be, and it hereby is, dismissed with 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: August 11, 2011



John T. Copenhaver, Jr.
United States District Judge