

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

ROGER LEE HARPER,

Petitioner

v.

CIVIL ACTION NO. 2:13-7421

DAVID BALLARD, Warden,  
Mount Olive Correctional Complex,

Respondent

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation ("PF&R") of the United States Magistrate Judge filed on January 21, 2014, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either the respondent or the petitioner to the PF&R; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the PF&R be, and they hereby are, adopted by the court.

It is, accordingly, ORDERED that petitioner's motion to amend his section 2254 petition be, and hereby is, granted,

with petitioner given leave to include herein Grounds 4, 10, 13, 14, 15, 18, 19, and 21 from his direct appeal, as more fully discussed in the PF&R. It is further ORDERED that the respondent's motion for summary judgment be, and hereby is, denied without prejudice. This matter is recommitted to the magistrate judge under the terms of the original referral order.

The Clerk is directed to forward copies of this written opinion and order to the petitioner, all counsel of record, and the magistrate judge.

DATED: February 12, 2014

  
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John T. Copenhaver, Jr.  
United States District Judge