

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

CHARLESTON DIVISION

CORY A. SIMPSON,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-08766

CITY OF CHARLESTON, et al.,

Defendants.

ORDER

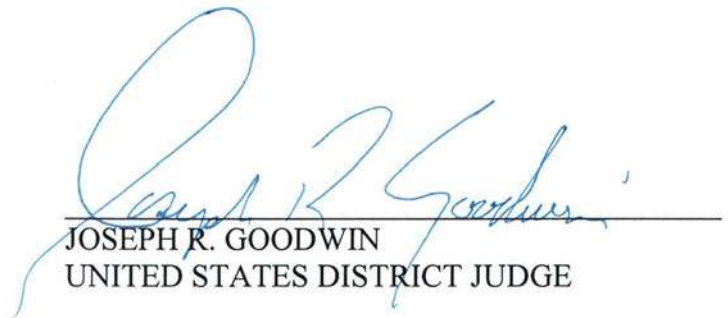
This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 20, 2013, the Magistrate Judge submitted findings of fact and recommended that the court grant in part and deny in part the defendants' motion to dismiss [Docket 13] and dismiss the City of Charleston from this action for failure to state a claim. 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* standard 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. The court accordingly **DENIES** the motion to dismiss [Docket 13] as it pertains to Officer Lightner, **GRANTS** the motion to dismiss [Docket 13], without prejudice, as it pertains to the City of Charleston, and **DIRECTS** the Clerk to remove the City of Charleston from the style of this case.

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

ENTER: December 12, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE