

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MARCUS LEE COCKERHAM,

Plaintiff,

v.

Civil Action No. 2:13-09589

YUMI ALLEN, ARAMARK Corporation
Food Service Director, GLENN MCGARRY,
ARAMARK Corporation District Manager, and
TIM CAMPBELL, ARAMARK Corporation President/CEO,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Dwane L. Tinsley, United States Magistrate Judge, who has submitted his 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 February 26, 2014. The magistrate judge recommends dismissal of plaintiff's complaint for lack of subject matter jurisdiction. The magistrate judge further recommends that plaintiff's motion to amend the complaint be denied. The plaintiff has not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

Accordingly, it is ORDERED that:

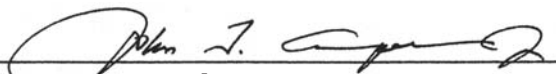
1. The Proposed Findings and Recommendation be, and it hereby is, adopted by the court;

2. The plaintiff's motion to amend be, and hereby is, denied as futile; and

3. This action be, and it hereby is, dismissed.

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: March 21, 2014



John T. Copenhaver, Jr.
United States District Judge