

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

WILLIE L. HARRIS,

Plaintiff,

v.

Case No. 2:13-10803

DAVID BALLARD, Warden, and
CHARLES LEGG, Lieutenant, and
TERRY KINDER and TIMOTHY PERKINS,

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).

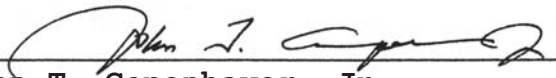
The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on November 5, 2013. The magistrate judge recommends that the court dismiss the claims for declaratory and injunctive relief as moot in view of the plaintiff's release on parole. The magistrate judge additionally recommends that the balance of the action remain on referral for additional proceedings respecting the claims for monetary relief.

The plaintiff has not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct. It is, accordingly, ORDERED as follows:

1. The Proposed Findings and Recommendation be, and hereby is, adopted by the court;
2. The claims for declaratory and injunctive relief be, and hereby are, dismissed as moot; and
3. This action be, and hereby is, continued on referral 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 pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: December 10, 2013



John T. Copenhaver, Jr.
United States District Judge