

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DANIEL L. HALL, SR.,

Plaintiff,

v. Civil Action No. 2:14-cv-11644

C.O. JUSTIN CROOK and
WARDEN DAVID BALLARD,
Mount Olive Correctional Complex,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to the court of his Proposed Findings and Recommendation ("PF&R") for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B).

On July 12, 2018, Magistrate Judge Tinsley entered his PF&R recommending that the complaint be dismissed under 42 U.S.C. § 1997e(a) and W. Va. Code § 25-1A-2(c) for failure to properly exhaust the available administrative remedies, that the court find that the complaint fails to state a plausible claim for relief against the defendants, and that the court also find

that any claims for declaratory and injunctive relief made in the complaint be denied and dismissed as moot.

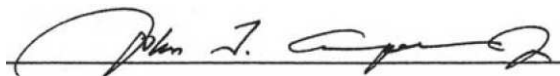
Because neither party has filed objections, de novo review of the matter by this court has been waived.

It is, accordingly, ORDERED as follows:

1. That the findings in Magistrate Judge Tinsley's Proposed Findings and Recommendation be, and they hereby are, adopted and incorporated in full.
2. That the complaint be dismissed for above stated reasons.
3. That this action be dismissed and removed from the docket of the court.

The Clerk is directed to forward copies of this memorandum opinion and order to the parties and United States Magistrate Judge Dwane L. Tinsley.

DATED: August 2, 2018



John T. Copenhaver, Jr.
United States District Judge