

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

CHARLESTON DIVISION

WEBB BARRON SEARCY, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-15045

DAVID BALLARD, et al.,

Defendants.

**ORDER**

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On July 20, 2016, Judge Tinsley submitted his Proposed Findings and Recommendations [ECF No. 45] (“PF&R”). The PF&R recommends the court **GRANT** the Motion to Dismiss the Amended Complaint filed by Ballard and Rhodes [ECF No. 21]. No party filed objections—timely or otherwise—to the PF&R.

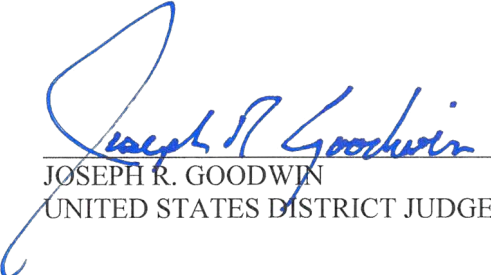
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions 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).

Because the parties have not filed objections, the court **ACCEPTS** and **INCORPORATES** herein the PF&R and orders judgment consistent therewith. Accordingly, the court **GRANTS** the Motion to Dismiss the Amended Complaint filed by Ballard and Rhodes [ECF No. 21].

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

ENTER: August 11, 2016

  
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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE