

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

STEPHEN WILSON,

Plaintiff,

v.

Civil Action No. 2:14-cv-23764

LYLE LESHNER, Correctional
Officer II, and CORPORAL
CHRISTOPHER HESS, and
SERGEANT CHARLES LEGG, in
their individual capacities,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant Sergeant Charles Legg's motion to dismiss, filed January 16, 2018.

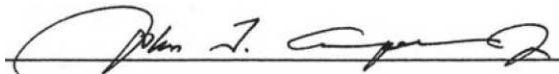
This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to the court of his Proposed Findings and Recommendations ("PF&R") for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 7, 2018, Magistrate Judge Tinsley entered his PF&R recommending that defendant Legg's motion be granted and that the court dismiss the entirety of plaintiff's complaint for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997(e)(a) and W. Va. Code § 25-1-2(c).

No objections having been filed, the plaintiff has waived de novo review of the matter by this court.

It is, accordingly, ORDERED that defendant Legg's motion to dismiss be, and it hereby is, granted, and that this matter be dismissed and removed from this court's docket.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the Magistrate Judge Dwane L. Tinsley.

DATED: July 3, 2018



John T. Copenhaver, Jr.
United States District Judge