

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

CARL C. FOSTER,

Plaintiff,

v.

Civil Action No. 2:14-29203

THE CALWELL PRACTICE,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Dwane L. Tinsley, United States Magistrate Judge, who has submitted his Proposed Findings and Recommendations ("PF&R") pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommends in his PF&R that the complaint be dismissed for lack of subject matter jurisdiction.

On February 24, 2015, the PF&R was filed. On March 16, 2015, plaintiff filed his objections. The objections do not address the deficiencies in the complaint identified by the magistrate judge. They state, in their totality, as follows:

Due to Health [sic] issues and economic hardship; [sic] I Carl C. Foster am requesting this Court to postpone all my hearings, procedures, and schedules. My home life is suffering big time, and I need to repair these fractures in my life. I am requesting the Court grant me a year's time to repair my


fractured health and social, home, and Family [sic] life.

(Objees. at 1). Inasmuch as plaintiff offers no authority supporting the exercise of subject matter jurisdiction, the court is unauthorized to enter the requested stay or otherwise retain jurisdiction over the case. The objections are thus not meritorious.

Following a de novo review, and having concluded that the objections lack merit, it is ORDERED that the PF&R be, and it hereby is, adopted and incorporated herein. It is further ORDERED that this action be, and hereby is, dismissed.

The Clerk is directed to send a copy of this written opinion and order to counsel of record and plaintiff.

ENTER: May 18, 2015



John T. Copenhaver, Jr.
United States District Judge