

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

PAMELA V. WEST,

Plaintiff,

v.

Civil Action No. 2:15-cv-06584

CITY OF CHARLESTON,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending is defendant's motion to dismiss, filed July 29, 2015.

This action has been referred to Dwane L. Tinsley, United States Magistrate Judge, who has submitted his Proposed Findings and Recommendations ("PF&R") on the motion to dismiss pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). Plaintiff's complaint in this action, which was filed on May 22, 2015, makes a number of claims related to workplace discrimination and harassment. Defendant moved to dismiss on July 29, 2015, and plaintiff responded on August 4. The magistrate judge filed his PF&R regarding defendant's motion to dismiss on November 12, 2015.

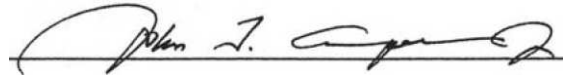
The court has reviewed the PF&R entered by the magistrate judge on the aforementioned date. Defendant had moved to dismiss because service of process was insufficient: plaintiff initially served a summons and complaint upon Charleston's city attorney, who is not authorized to accept service on behalf of the city. Plaintiff later served materials upon the Mayor of Charleston, Danny Jones, submitted proof of having done so, and responded that defendant's motion should be denied. The magistrate judge found that plaintiff's service upon the mayor comported with applicable rules of procedure, and accordingly recommended that defendant's motion to dismiss be denied. Neither party has filed an objection.

Inasmuch as neither party has objected, and following a de novo review, it is ORDERED that the PF&R be, and it hereby is, adopted and incorporated herein. It is further ORDERED that defendant's motion be, and it hereby is, denied.

The court also ORDERS that this matter be, and it hereby is, recommitted to the magistrate judge under the original reference to take all such further steps and proceedings herein as shall be appropriate.

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

ENTER: February 11, 2016

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", written over a horizontal line.

John T. Copenhaver, Jr.  
United States District Judge