

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

CHARLESTON DIVISION,

BEN EWING, Individually, and as
Executor of the Estate of His Wife,
Francis Ewing,

Plaintiff,

v.

Civil Action Number 2:15-cv-08661

TEI BIOSCIENCES,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending is TEI's Motion to Dismiss for Failure to State a Claim. [ECF No. 6]. Plaintiff has not responded. In the Motion, TEI seeks dismissal pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted. TEI argues that plaintiffs' complaint fails to allege any facts specific to TEI.

For reasons appearing to the court, the court **ORDERS** that TEI's Motion to Dismiss is **GRANTED**. No defendants remain, and Clerk is directed to close the case and strike it from the docket.

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

ENTER: December 18, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE