

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JAMES D. HALL, JR.,

Petitioner,

v.

Civil Action No. 2:15-13294

JAMES RUBENSTEIN, DAVID BALLARD,
CHERYL CHANDLER, JONATHAN FRAME,
and JASON COLLINS

Respondents.

MEMORANDUM OPINION AND ORDER

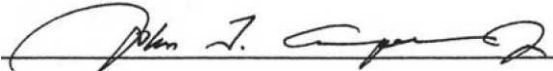
The court having received the proposed findings and recommendation of the United States Magistrate Judge filed on July 15, 2016, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either the petitioner or the respondents to the proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court.

The court, accordingly, finds that the petitioner's Petition for a Writ of Mandamus is legally frivolous and fails

to state a claim upon which relief can be granted inasmuch as a federal writ of mandamus will not lie against state officers such as the respondents. The court further finds that the petition is moot due to the petitioner's release on parole. It is ORDERED that the Petition for a Writ of Mandamus be, and it hereby is, denied.

The Clerk is directed to forward copies of this order to the petitioner, any counsel of record, and the United States Magistrate Judge.

DATED: August 2, 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