

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

RICKEY VON RAINES,

Petitioner,

v.

Civil Action No. 2:16-4890

DAVID BALLARD, Warden, Mount
Olive Correctional Complex,

Respondent.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Cheryl A. Eifert, filed on May 3, 2017, 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 any party 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.

It is, therefore, ORDERED that:

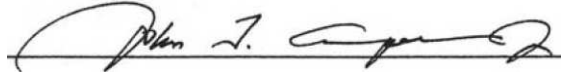
1. Respondent's motion for summary judgment be, and it hereby is granted;
2. Petitioner's Petition for Writ of Habeas Corpus by a Person

in State Custody be, and it hereby is, denied; and

3. That this action be, and it hereby is, dismissed with prejudice and removed from the docket of the court.

The Clerk is directed to forward copies of this written opinion and order to plaintiff, all counsel of record and the United States Magistrate Judge.

DATED: June 9, 2017

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