

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

THOMAS BROWN,

Petitioner,

v.

Civil Action No. 2:16-9734

DAVID BALLARD, Warden,

Respondent.

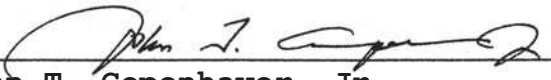
MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Cheryl A. Eifert, filed on January 19, 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.

As recommended by the magistrate judge, it is ORDERED that this case be closed and removed from the docket of the court; and that this case not be counted when determining if a subsequent petition, seeking federal habeas relief pertaining to the same conviction, is second or successive.

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: May 4, 2017



John T. Copenhaver, Jr.
United States District Judge