

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

THOMAS EDWARD OXLEY, JR.,
CHAD DAY, and BRANDON SHULTZ,

Plaintiffs,

v. Civil Action No. 2:17-cv-003915

SOUTH CENTRAL REGIONAL JAIL,

Defendant.

MEMORANDUM OPINION AND ORDER

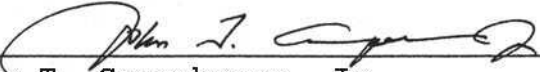
The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, entered on April 5, 2019; and the magistrate judge having recommended that the court dismiss without prejudice Chad Day and Brandon Shultz as plaintiffs in this matter, that the court dismiss the complaint inasmuch as it fails to state a claim upon which relief can be granted, and that the court deny plaintiff Thomas Oxley's application to proceed without prepayment of fees and costs; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that the findings and recommendation made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein.

It is, therefore, ORDERED that Chad Day and Brandon Shultz be, and they hereby are, dismissed without prejudice as

plaintiffs in this action. It is further ORDERED that the plaintiff Thomas Oxley's complaint be, and it hereby is, dismissed and his application to proceed without prepayment of fees and costs be, and it hereby is, denied.

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

ENTER: May 10, 2019



John T. Copenhaver, Jr.
Senior United States District Judge