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

CHARLESTON DIVISION

MELVIN COCHRAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-04312

WARDEN DAVID BALLARD, et al.,

Defendants.

ORDER

This action was referred to United States Magistrate Judge Cheryl A. Eifert for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 9, 2018, Magistrate Judge Eifert submitted her Proposed Findings of Fact and Recommendation [ECF No. 31] ("PF&R"), recommending that the court deny in part and grant in part the Defendants' Motion for Judgment on the Pleadings [ECF No. 23]. No objections to the PF&R have been filed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated therein, the court **GRANTS** in part and **DENIES** in part the Defendants' Motion for Judgment on the Pleadings [ECF No. 23]. The court **DENEIS** the Motion as to the Plaintiff's claims for equitable relief and **GRANTS** the motion as to the Plaintiff's claims for monetary damages.

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

ENTER:

November 27, 2018

JOSEPH R. GOODWIN

ÚNITED STATES DISTRICT JUDGI