

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

JOSEPH EMERSON FOWLER II,

Plaintiff,

v.

Civil Action No. 2:17-CV-4487

SRG RAINES, and NITRO  
POLICE DEPT.,

Defendants.

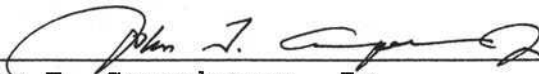
MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Cheryl A. Eifert, entered on April 16, 2019; and the magistrate judge having recommended that defendants' motion to dismiss and supplemental motion to dismiss be granted and that the plaintiff's complaint be dismissed without prejudice; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that the findings 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 defendants' motion to dismiss and supplemental motion to dismiss be, and they hereby are, granted. It is further ORDERED that the plaintiff's complaint be, and it hereby is, dismissed without prejudice.

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 8, 2019

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