

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ROBERT DANIEL MULLINS

Plaintiff,

v.

Case No. 2:18-cv-00514

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 October 13, 2020 (ECF No. 6); and the magistrate judge having recommended that the court dismiss the action pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A based on the plaintiff's failure to state a claim against defendant South Central Regional Jail (a state agency that enjoys Eleventh Amendment immunity), or in the alternative, pursuant to Federal Rule of Civil Procedure 41(b) based on the plaintiff's failure to prosecute; 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 (ECF No. 6) be, and they hereby are, adopted by the court and incorporated herein.

Accordingly, it is further ORDERED that:

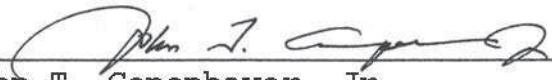
1. This action be, and it hereby is, dismissed, with prejudice, pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A.

2. The plaintiff's application to proceed without prepayment of fees and costs (ECF No. 3) be, and it hereby is, DENIED as moot. The court waives payment of the applicable filing fee.

3. The Clerk is directed to remove this action from the court's docket.

The Clerk is directed to forward copies of this memorandum opinion and order to all counsel of record, any unrepresented party, and the United States Magistrate Judge.

ENTER: November 24, 2020



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