

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

CHARLESTON DIVISION

GARY A. SMITH

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-00916

STATE OF WEST VIRGINIA, et al.,

Defendants.

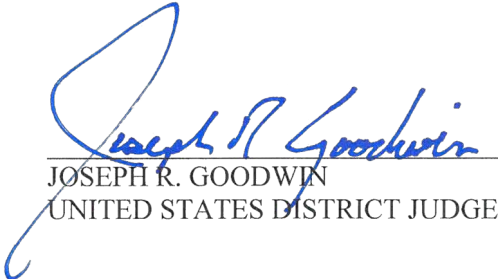
ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley 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 May 20, 2019, Magistrate Judge Tinsley submitted his Proposed Findings and Recommendation [ECF No. 5] (“PF&R”), recommending the court dismiss this civil action pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B) and 1915A and deny the plaintiff’s Application to Proceed without Prepayment of Fees and Costs [ECF No. 1]. The deadline to file objections to the PF&R has passed, and, to date, no objections have been filed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated, the court **DISMISSES** this civil action pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B) and 1915A and **DENIES** the plaintiff’s Application to Proceed without Prepayment of Fees and Costs [ECF No. 1].

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

ENTER: June 14, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE