

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

MICHAEL J. LOFTUS,

Plaintiff,

v.

Civil Action No. 2:18-cv-01345

KANAWHA COUNTY SHERIFF'S DEPARTMENT;

MS. A. KEADLE,

Kanawha County Deputy Sheriff; and

JOHN DOE NO. 1 and JOHN DOE NO. 2,

Kanawha County Deputy Sheriffs sued

in their individual and professional

capacities as well as up to the coverage

of their insurance policies,

Defendants.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, entered on May 19, 2021 (ECF No. 91); and the Magistrate Judge having recommended that the court grant the defendants' motion for summary judgment (ECF No. 79) and dismiss all the claims in the plaintiff's complaint (ECF No. 2) except for his Fourth Amendment excessive-force claim against defendant A. Keadle, for which the defendants concede genuine issues of material fact remain; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that the findings and recommendations made in the Proposed Findings and

Recommendation of the Magistrate Judge (ECF No. 91) be, and they hereby are, adopted by the court and incorporated herein.

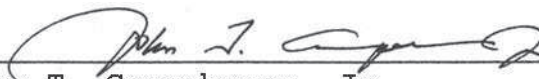
Accordingly, it is further ORDERED that:

1. the defendants' motion for summary judgment (ECF No. 79) be, and hereby it is, granted;
2. the plaintiff's claims against defendants Kanawha County Sheriff's Department, John Doe No. 1, and John Doe No. 2 be, and hereby they are dismissed, and defendants Kanawha County Sheriff's Department, John Doe No. 1, and John Doe No. 2 be, and hereby they are, dismissed from this action; and
3. the plaintiff's Eighth and Fourteenth Amendment claims, and those under the Article III, §§ 5 and 10 of the West Virginia Constitution, against defendant Keadle be, and hereby they are, dismissed.

The sole remaining claim in this matter is the plaintiff's Fourth Amendment excessive-force claim against defendant Keadle. By a separate order, the court will address the schedule and other matters for the remaining proceedings.

The Clerk is directed to transmit copies of this memorandum opinion and order to the plaintiff, all counsel of record, any unrepresented parties, and the Magistrate Judge.

ENTER: June 14, 2021

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