

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

OLIN MATICE GASKINS,

Plaintiff,

v.

Civil Action No. 2:19-CV-00472

WOOD COUNTY; MAGISTRATE JOE
KUHL, Wood County Magistrate;
SGT. P.M. EDELEN, Parkersburg
Narcotics Task Force and SWAT
Team; SPECIAL AGENT SEAN MCNEES,
ATF agent; JOHN DOE #3, DEA
agent; and UNITED STATES OF
AMERICA,

Defendants.

MEMORANDUM OPINION AND ORDER

The court received the Proposed Findings and Recommendation of United States Magistrate Judge Cheryl A. Eifert, entered on August 24, 2021 (ECF No. 65). The magistrate judge recommended the following: (1) that the motions to dismiss of defendants Wood County, Joe Kuhl, Special Agent Sean McNees, and the United States of America (ECF Nos. 30, 33, 40, 60) be granted, (2) that defendant Edelen's motion to dismiss (ECF No. 46) be denied in part and granted in part, (3) that defendants Wood County, Joe Kuhl, Special Agent Sean McNees, and the United States of America be dismissed and removed from this style of this case; (4) that, to the extent plaintiff intended to include

the Parkersburg Narcotics Task Force and SWAT team as defendants, those entities be dismissed and removed from the case; and (5) that plaintiff and the remaining defendants, Sgt. P.M. Edelen and John Doe #3, be permitted to conduct discovery on the claims that remain. No objection was filed to the Proposed Findings and Recommendation. Accordingly, it is ORDERED that the findings made in the Proposed Findings and Recommendation of the magistrate judge (ECF No. 65) be, and they hereby are, adopted by the court and incorporated herein.

Accordingly, it is further ORDERED that:

1. The motions to dismiss of defendants Wood County, Joe Kuhl, Special Agent Sean McNees, and the United States of America (ECF Nos. 30, 33, 40, 60) be, and hereby are, GRANTED.

2. Defendant Edelen's motion to dismiss (ECF No. 46) be, and hereby is, GRANTED to the extent it seeks to dismiss the Parkersburg Narcotics Task Force & SWAT Team and is otherwise DENIED.

3. Defendants Wood County, Joe Kuhl, Special Agent Sean McNees, and the United States of America be, and hereby are, DISMISSED from this action.


4. To the extent plaintiff intended to include the Parkersburg Narcotics Task Force and SWAT team as defendants, those entities be, and hereby are, DISMISSED from this action.

5. Plaintiff Gaskins and defendants Sgt. P.M. Edelen and John Doe #3 be, and hereby are, permitted to conduct discovery on the claims that remain.

6. Defendant Joe Kuhl's Motion for Case Dismissal (ECF No. 77) be, and hereby is, DENIED AS MOOT.

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: October 5, 2021



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