

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

RUSSELL R. AKERS,

Plaintiff,

v.

Civil Action No. 2:22-cv-00116

THE DOW CHEMICAL COMPANY, INC.,

Defendant.

MEMORANDUM OPINION AND ORDER

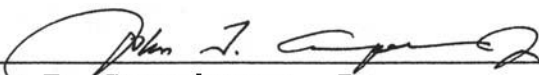
Pending is Defendant The Dow Chemical Company Inc.'s motion to dismiss (ECF 4), filed March 10, 2022, to which Plaintiff Russell R. Akers filed no response.

On May 31, 2022, court staff received a letter from Mr. Akers' counsel, Walton S. Shepherd, III, via electronic mail, which states that despite the good faith efforts of Mr. Shepherd, Mr. Akers "is unable to prove and establish a viable claim due to the passage of time and the uncertainty of [Mr. Akers'] medical providers, and therefore poses no objection to the Defendant's Motion [t]o Dismiss." It is ORDERED that such letter be, and hereby is, filed on the docket.

Deeming the Defendant's motion to dismiss unopposed by Mr. Akers, the court ORDERS that the motion (ECF 4) be, and it hereby is, GRANTED, and this case is dismissed.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: June 2, 2022

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