

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

HUNTINGTON DIVISION

JAMES DAVID WASHINGTON, JR.,

Petitioner,

v.

CIVIL ACTION NO. 3:08-1043

MOUNT OLIVE CORRECTIONAL COMPLEX,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Maurice G. Taylor, Jr., United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Respondent's Motion to Dismiss be granted and this action be dismissed with prejudice. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Respondent's motion to dismiss and **DISMISSES** this action with prejudice, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: December 15, 2009



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE