

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

HUNTINGTON DIVISION

DAVID BRUCE ADKINS,

Plaintiff,

v.

CIVIL ACTION NO. 3:08-1396

JUDGE PRATT, et al.,

Defendants.

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 Plaintiff's application to proceed in forma pauperis be granted and that his complaint and this action be dismissed. 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** Plaintiff's application to proceed in forma pauperis and **DISMISSES** his complaint and this action, 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: May 13, 2010



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE