

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

**HUNTINGTON DIVISION**

CHRISTOPHER CHAFIN,

Plaintiff,

v.

CIVIL ACTION NO. 3:13-1706

MIKE CLARK, former Administrator of the  
Western Regional Jail;  
OFFICER MATTHEW ADKINS;  
OFFICER KELLY; OFFICER BARBARA MANNON;  
OFFICER SPARKS; OFFICER CHAUNCEY MAYNARD;  
OFFICER BLANKENSHIP; OFFICER CHRIS CARTER;  
SERGEANT FLEMING; NURSE DESTINY WARD,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, 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 the Court **GRANT** Defendants' Motion to Dismiss Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure (ECF NO. 104); **GRANT** Motion of Nurse Destiny Ward to Dismiss (Second) Amended Complaint Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure (ECF No. 106); **GRANT** Defendants Michael Clark and Christopher Carter's Motion to Dismiss (ECF No. 108); **DENY** the Motion of Nurse Destiny Ward to Dismiss (Second) Amended Complaint and Alternative Motion for Summary Judgment (ECF No. 92), as moot; **DISMISS** the second amended complaint pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule of

Civil Procedure 41.1; and **REMOVE** this action for the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations. The Court notes that the Proposed Findings and Recommendations was mailed to the only known address for Plaintiff and was returned as undeliverable, as were several earlier mailings in this case.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Defendants' Motion to Dismiss Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure (ECF NO. 104); **GRANTS** Motion of Nurse Destiny Ward to Dismiss (Second) Amended Complaint Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure (ECF No. 106); **GRANTS** Defendants Michael Clark and Christopher Carter's Motion to Dismiss (ECF No. 108); **DENIES** the Motion of Nurse Destiny Ward to Dismiss (Second) Amended Complaint and Alternative Motion for Summary Judgment (ECF No. 92), as moot; **DISMISSES** the second amended complaint pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule of Civil Procedure 41.1; and **REMOVES** this action for the docket of the Court, consistent with the findings and recommendations.

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

ENTER: January 16, 2015

  
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ROBERT C. CHAMBERS, CHIEF JUDGE