

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

HUNTINGTON DIVISION

BARRY G. THOMPSON,

Plaintiff,

v.

CIVIL ACTION NO. 3:13-1897

WEST VIRGINIA REGIONAL JAIL/
CORRECTIONAL AUTHORITY, et al;
WESTERN REGIONAL JAIL FACILITY, et al;
MICHAEL CLARK; SERGENT LAMBERT;
CORRECTIONAL OFFICER MANMETER;
CORRECTIONAL OFFICER GOODWIN;
and OTHER UNKNOWN CORRECTIONAL
OFFICERS,

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 Motion to Dismiss on Behalf of Defendants, West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail (ECF NO. 18) and the Amended Motion to Dismiss on Behalf of the Defendants (ECF No. 26), be granted; Plaintiff's Motion in Opposition to the Defendants' Motion (ECF No. 24), be denied; Plaintiff's complaint be dismissed, with prejudice, against the Western Virginia Jail & Correctional Facility Authority and the Western Regional Jail, but continue to pend against the remaining defendants; and the West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail be

removed as defendants from the style of this civil action. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that the Motion to Dismiss on Behalf of Defendants, West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail (ECF NO. 18) and the Amended Motion to Dismiss on Behalf of the Defendants (ECF No. 26), be **GRANTED**; Plaintiff's Motion in Opposition to the Defendants' Motion (ECF No. 24), be **DENIED**; Plaintiff's complaint be **DISMISSES, WITH PREJUDICE**, against the Western Virginia Jail & Correctional Facility Authority and the Western Regional Jail, but continue to pend against the remaining defendants; and the West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail be removed as defendants from the style of this civil action, 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: June 27, 2013



ROBERT C. CHAMBERS, CHIEF JUDGE