

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

HUNTINGTON DIVISION

SHELBY DEAN SKAGGS,

Plaintiff,

v.

CIVIL ACTION NO. 3:13-3293

WESTERN REGIONAL JAIL;
WEST VIRGINIA REGIONAL JAIL AUTHORITY;
WEST VIRGINIA DEPARTMENT OF CORRECTIONS;
and MICHAEL CLARK, Administrator,

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 the Western Regional Jail, the West Virginia Regional Jail & Correctional Facility Authority, and the West Virginia Department of Corrections (ECF No. 14) be granted; the Motion to Dismiss of Defendant Michael Clark (ECF No. 16) be granted to the extent that Plaintiff has asserted claims against Clark in his official capacity and be denied as to any claims asserted against Clark in his personal capacity; Plaintiff's complaint be dismissed, with prejudice, against the Western Regional Jail, the West Virginia Regional Jail & Correctional Facility Authority, and the West Virginia Department of Corrections, but continue to pend against Defendant Michael Clark; and the Western Regional Jail, the West Virginia Regional Jail & Correctional Facility Authority, and the West Virginia Department of

Correctional 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 the Western Regional Jail, the West Virginia Regional Jail & Correctional Facility Authority, and the West Virginia Department of Corrections (ECF No. 14) be **GRANTED**; the Motion to Dismiss of Defendant Michael Clark (ECF No. 16) be **GRANTED** to the extent that Plaintiff has asserted claims against Clark in his official capacity and be **DENIED** as to any claims asserted against Clark in his personal capacity; Plaintiff's complaint be **DISMISSED, with prejudice**, against the Western Regional Jail, the West Virginia Regional Jail & Correctional Facility Authority, and the West Virginia Department of Corrections, but continue to pend against Defendant Michael Clark; and the Western Regional Jail, the West Virginia Regional Jail & Correctional Facility Authority, and the West Virginia Department of Correctional 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: January 8, 2014



ROBERT C. CHAMBERS, CHIEF JUDGE