

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

**HUNTINGTON DIVISION**

KENNETH RAY BUSKIRK,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-3503

DANIEL WILES,  
CHRISTOPHER BOYER and  
ROB BLACK, Huntington WV  
Police Officers,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Omar J. Aboulhosn, 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 deny Defendants' Motion for Summary Judgment (ECF No. 46). 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 **DENIES** Defendants' Motion for Summary Judgment (ECF No. 46), 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: August 22, 2017

  
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ROBERT C. CHAMBERS, CHIEF JUDGE