

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

HUNTINGTON DIVISION

WILLIAM BRUMFIELD,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-14127

GOODYEAR TIRE & RUBBER CO.;
JOHN K. KESSINGER;
JANE S. MCELREATH;
MARK S. GANNON;
RICKY L. BRADLEY; and
DON SHIVERS,

Defendants.

AMENDED 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 Defendant Goodyear Tire & Rubber Company's Motion to Dismiss (ECF No. 31), dismiss the complaint, in its entirety, and remove this matter from the docket of the Court. The Magistrate further recommends that the Court grant Goodyear's request to consider imposition of a pre-filing injunction and issue an order requiring Brumfield to show cause why the Court should not grant an injunction that would prohibit Brumfield, without leave of court, from instituting any additional civil action against Goodyear in the Southern District of West Virginia related to or arising from (a) his workers compensation claims and settlement, (b) his Social Security disability benefits; (c) his union payroll checks, and/or (d) any pension,

unemployment, or other benefit in any way connected to his employment at Goodyear between 1992 and 1995. 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 **GRANTS** Defendant Goodyear Tire & Rubber Company's Motion to Dismiss (ECF No. 31), **DISMISSES** the complaint, in its entirety, and **REMOVES** this matter from the docket of the Court. The Court further **GRANTS** Goodyear's request to impose an injunction and prohibits Brumfield, without leave of court, from instituting any additional civil action against Goodyear in the Southern District of West Virginia related to or arising from (a) his workers compensation claims and settlement, (b) his Social Security disability benefits; (c) his union payroll checks, and/or (d) any pension, unemployment, or other benefit in any way connected to his employment at Goodyear between 1992 and 1995.

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

ENTER: March 30, 2016



ROBERT C. CHAMBERS, CHIEF JUDGE