

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

HUNTINGTON DIVISION

SHANE STEPHEN HOLBROOK,

Plaintiff,

v.

Case No.: 3:16-cv-03705

WEST VIRGINIA REGIONAL JAIL &
CORRECTIONAL FACILITY AUTHORITY;¹
and TRINITY SERVICES GROUP, INC.²

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 Trinity's Motion to Dismiss (ECF No. 11); dismiss the complaint against Trinity, without prejudice; grant the Jail Authority's Motion to Dismiss (ECF No. 25); dismiss the complaint against the Jail Authority, with prejudice, and remove this matter from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

¹ Identified in Holbrook's complaint as West Virginia Regional Jail Authority or WVRJA. (ECF No. 2.)

² Identified in Holbrook's complaint as Trinity Food Service. (ECF No. 2.) Trinity noted in its Motion to Dismiss that it is properly identified as Trinity Services Group, Inc. (ECF No. 11.)

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Trinity's Motion to Dismiss (ECF No. 11); **DISMISSES** the complaint against Trinity, **without prejudice**; **GRANTS** the Jail Authority's Motion to Dismiss (ECF No. 25); **DISMISSES** the complaint against the Jail Authority, **with prejudice**, and **REMOVES** this matter from 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 4, 2017



ROBERT C. CHAMBERS, CHIEF JUDGE