

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

HUNTINGTON DIVISION

JACOB SPRADLIN,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-6986

DAVID RODES and
STEVEN BOLAND,

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 of Defendant Steven Boland (ECF No. 51) be denied as premature. 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, consistent with the findings and recommendations, **DENIES** the Motion to Dismiss of Defendant Steven Boland (ECF No. 51) as premature.

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

ENTER: September 25, 2017



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE