

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

WENDELL LEONARD CRUSE,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-0485

ERNIE BLACKBURN, Sgt. Huntington  
W.Va. Police Dept. #125 and  
PAUL MATOVICH, Cpl. Huntington  
W.Va. Police Dept. #418,

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 grant Defendants Blackburn an Matovich's Motion for Summary Judgment (ECF No. 49) and remove this matter from the Court's docket. 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** Defendants Blackburn an Matovich's Motion for Summary Judgment (ECF No. 49) and removes this matter from the Court's docket, 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: February 7, 2018



ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE