

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

**HUNTINGTON DIVISION**

S. U.,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-2366

C. J.,

Defendant.

**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 Plaintiff's Complaint be dismissed, with prejudice, for lack of subject matter jurisdiction; the pending application and motions be denied; and this action be removed from the docket of the Court. 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 **ORDERS** that Plaintiff's Complaint be **DISMISSED, with prejudice**, for lack of subject matter jurisdiction; the pending application and motions be **DENIED**; and this action be **REMOVED** 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: August 22, 2017

  
\_\_\_\_\_  
ROBERT C. CHAMBERS, CHIEF JUDGE