

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

HUNTINGTON DIVISION

JAMES ALBERT LANGLEY,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-3520

HUNTINGTON POLICE DEPT., et al.,

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 PrimeCare Medical, Inc., Nurse Jalayna Leonburg, and Jennifer Hatfield's Motion to Dismiss Amended Complaint and Alternative Motion for Summary Judgment (ECF No. 64), deny as moot Defendants PrimeCare Medical, Inc. and Nurse Jalayna Leonburg's Motion to Dismiss Complaint and Alternative Motion for Summary Judgment (ECF No. 29), deny Plaintiff's Motion for Summary Judgment (ECF No. 76), grant Defendant West Virginia Department of Corrections' Motion to Dismiss (ECF No. 91), deny as moot Defendant David Ballard's Motion to Dismiss for Failure to Serve (ECF No. 92), deny Defendants Dr. Charles Lye, Donna Warden, Wexford Health Services Inc.'s Motion to Dismiss (ECF No. 95), and refer this matter back to Magistrate Judge. 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 PrimeCare Medical, Inc., Nurse Jalayna Leonburg, and Jennifer Hatfield's Motion to Dismiss Amended Complaint and Alternative Motion for Summary Judgment (ECF No. 64), **DENIES as moot** Defendants PrimeCare Medical, Inc. and Nurse Jalayna Leonburg's Motion to Dismiss Complaint and Alternative Motion for Summary Judgment (ECF No. 29), **DENIES** Plaintiff's Motion for Summary Judgment (ECF No. 76), **GRANTS** Defendant West Virginia Department of Corrections' Motion to Dismiss (ECF No. 91), **DENIES as moot** Defendant David Ballard's Motion to Dismiss for Failure to Serve (ECF No. 92), **DENIES** Defendants Dr. Charles Lye, Donna Warden, Wexford Health Services Inc.'s Motion to Dismiss (ECF No. 95), and **REFERS** this matter back to Magistrate Judge, 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 31, 2018

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE