

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

HUNTINGTON DIVISION

MICHAEL SHAWN BILLUPS,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-3788

WESTERN REGIONAL JAIL, 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 dismiss Plaintiff's Complaints (ECF Nos. 2 and 7) without prejudice, deny as moot Defendants Carr and Nurse Suzie's "Motion to Dismiss Amended Complaint and Alternative Motion for Summary Judgment" (ECF No. 16), Defendant Western Regional Jail's "Motion to Dismiss" (ECF No. 21) and Defendant Baldera's "Motion to Dismiss Amended Complaint and Alternative Motion for Summary Judgment" (ECF No. 28), 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 **DISMISSES** Plaintiff's Complaints (ECF Nos. 2 and 7) **without prejudice**, **DENY as moot** Defendants Carr and Nurse Suzie's "Motion to Dismiss Amended

Complaint and Alternative Motion for Summary Judgment” (ECF No. 16), Defendant Western Regional Jail’s “Motion to Dismiss” (ECF No. 21) and Defendant Baldera’s “Motion to Dismiss Amended Complaint and Alternative Motion for Summary Judgment” (ECF No. 28), 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: June 15, 2018

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

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE