

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

**HUNTINGTON DIVISION**

TASHEMA D. SMITH,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-3806

CITY OF HUNTINGTON,  
CABELL COUNTY  
STATE OF WEST VIRGINIA,  
Cabell County District,  
FEDERAL AUTHORITIES,  
and any and all entities or departments  
associated with them,

Defendants.

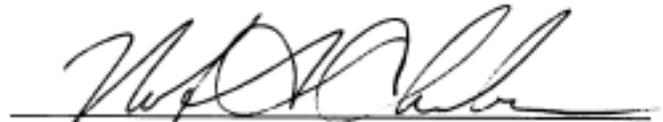
**MEMORANDUM OPINION AND ORDER**

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 Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (ECF No. 1) be denied; Plaintiff's complaint and amended complaint (ECF Nos. 2, 8) be dismissed for failure to state a claim; and this action be removed from the docket of the Court. By Order of October 20, 2017, the deadline for objections to the proposed findings was stayed until October 31, 2017, to allow Plaintiff to either retain counsel or file objections. Counsel was not retained and neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **ORDERS** that Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (ECF No. 1) be **DENIED**; Plaintiff's complaint and amended complaint (ECF Nos. 2, 8) be **DISMISSED** for failure to state a claim; 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: November 8, 2017

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

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE