

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

HUNTINGTON DIVISION

EMANUEL ROSS individually and
on behalf of DR, minor child,

Plaintiff,

v.

CIVIL ACTION NO. 3:18-0537

DANIELLE RAKES,

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 for lack of subject matter jurisdiction; Plaintiff's pending motions be denied, as moot; Defendant's counterclaims be dismissed for failure to state a claim, 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** for lack of subject matter jurisdiction; Plaintiff's pending motions be **DENIED**, as moot; Defendant's counterclaims 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 26, 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