

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

**HUNTINGTON DIVISION**

LEROY NEWELL,

Plaintiff,

v.

CIVIL ACTION NO. 3:20-0603

MAJOR FLEMING and  
CAPTAIN DIAMOND,

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 the complaint be dismissed, without prejudice, and that this action be removed from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendation.<sup>1</sup>

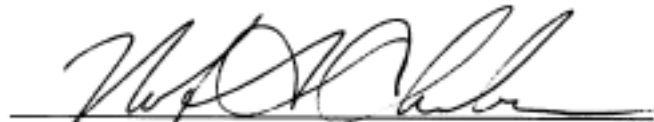
Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that the complaint be **DISMISSED**, without prejudice, and that this action be removed from the docket of the Court, consistent with the findings and recommendation.

---

<sup>1</sup> The Proposed Findings and Recommendation was returned marked undeliverable. The Clerk of Court has no current address for Plaintiff.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: March 17, 2021

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

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE