

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

TIMOTHY S. JACKSON,

Plaintiff,

v.

CIVIL ACTION NO. 3:20-0864

SCOTT EPLIN (District Manager);
MARK ELSWICK (Supervisor);
JEFF A. STINNETT, Superintendent;
KATHY SMITH, Job Coordinator;
BRIAN GREENWOOD;
DANTE CLARK;
JENNIFER HENDERSON, DOC; AND
CHARLESTON CORRECTIONAL
CENTER AND JAIL,

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 recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Motion to Dismiss filed by the Defendant Charleston Correctional Center and Jail, (ECF No. 21), be granted; the Motion to Dismiss of the DOH Defendants, (ECF No. 30), be denied in part, and granted, in part, with Defendant Eplin being dismissed, but not Defendant Elswick; the Motion for Summary Judgment by the DCR Defendants, (ECF No. 32), be denied; the second Motion to Dismiss of Scott Eplin, (ECF No. 63), be granted; the Motion to Dismiss of Defendants Stinnett and Clark, (ECF No. 66), be granted; the complaint and amended complaint, (ECF Nos. 2, 54), be dismissed, with prejudice, against the following Defendants: the Charleston

Correctional Center and Jail, Scott Eplin, Jeff A. Stinnett, and Dante Clark, and that they be removed from the style of the case; and discovery proceed as to Defendants Mark Elswick, Kathy Smith, Brian Greenwood, and Jennifer Henderson. No 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, consistent with the findings and recommendations, **ORDERS** that:

1. The Motion to Dismiss filed by the Defendant Charleston Correctional Center and Jail, (ECF No. 21), be **GRANTED**;

2. The Motion to Dismiss of the DOH Defendants, (ECF No. 30), be **DENIED, in part, and GRANTED, in part**, with Defendant Eplin being dismissed, but not Defendant Elswick;

3. The Motion for Summary Judgment by the DCR Defendants, (ECF No. 32), be **DENIED**;

4. The second Motion to Dismiss of Scott Eplin, (ECF No. 63), be **GRANTED**;

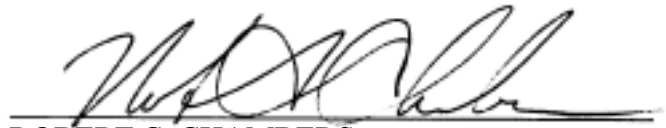
5. The Motion to Dismiss of Defendants Stinnett and Clark, (ECF No. 66), be **GRANTED**;

6. The complaint and amended complaint, (ECF Nos. 2, 54), be **DISMISSED**, with prejudice, against the following Defendants: the Charleston Correctional Center and Jail, Scott Eplin, Jeff A. Stinnett, and Dante Clark, and that they be **REMOVED** from the style of the case; and

7. Discovery proceed as to Defendants Mark Elswick, Kathy Smith, Brian Greenwood, and Jennifer Henderson.

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

ENTER: May 28, 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