

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

**HUNTINGTON DIVISION**

BILLY JOE LUCAS,

Plaintiff,

v.

CIVIL ACTION NO. 3:21-0253

WESTERN REGIONAL JAIL and  
C. O. ROBINSON,

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 Defendants' Motion to Dismiss (ECF No. 18) be granted; that the Complaint (ECF No. 2) against the Western Regional Jail be dismissed, with prejudice; that the Complaint (ECF No. 2) against C. O. Robinson be dismissed, without prejudice; and that this action be removed from the docket of the Court. No objections to the Magistrate Judge's findings and recommendations have been filed.<sup>1</sup>

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Defendants' Motion to Dismiss (ECF No. 18) be granted; that the Complaint (ECF No. 2) against the Western Regional Jail be dismissed, with

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<sup>1</sup> The Proposed Findings and Recommendation was returned marked Return to Sender No Longer at this Facility. The Clerk of Court has no current address for Plaintiff.

prejudice; that the Complaint (ECF No. 2) against C. O. Robinson be dismissed, without prejudice; and that 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:           October 21, 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