

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

**HUNTINGTON DIVISION**

ANDRED CLINTON DAVIS, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 3:22-0150

BETSY JIVIDEN,  
CARL ALDRIDGE,  
PAUL DIAMOND,  
CHRISTOPHER FLEMING,  
KEEFE LLC,  
SGT. BREWER,  
NURSE REGINA LNU, Medical, and  
LT. DAVIS,

Defendants.


**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Omar J. Aboulhosn, 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 this Court grant Defendant Brewer's Motion to Dismiss (ECF No. 19), grant Defendant Nurse Regina Bryant's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (ECF No. 23), grant Defendant Keefe Group's Motion to Dismiss (ECF No. 25), and grant in part and deny in part Defendants Aldridge, Davis, Diamond, Fleming, and Jividen's Motion to Dismiss (ECF No. 21). No objections to the Magistrate Judge's findings and recommendation have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and, consistent with the findings and recommendation, **GRANTS** Defendant Brewer's Motion to Dismiss (ECF No. 19), **GRANTS** Defendant Nurse Regina Bryant's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (ECF No. 23), **GRANTS** Defendant Keefe Group's Motion to Dismiss (ECF No. 25), and **GRANTS in part and DENIES in part** Defendants Aldridge, Davis, Diamond, Fleming, and Jividen's Motion to Dismiss (ECF No. 21), as specified in the Proposed Findings and Recommendation.

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 18, 2022

  
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ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE