

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

HUNTINGTON DIVISION

JOSHUA KUHN,

Plaintiff,

v.

CIVIL ACTION NO. 3:22-0486

JASON CASTO;
JAMES BARKER;
JENNIFER HENDERSON;
VALERIE BAILEY;
STEVE ALLEN; and
LLOYD ERWIN,

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 Motions to Dismiss filed by Defendants Barker and Allen (ECF No. 56), Defendants Bailey and Henderson (ECF No. 58), and Defendant Erwin (ECF No. 64), be granted; the complaint, amended complaint, and second amended complaint be dismissed against the foregoing defendants; and they be removed as parties in this civil action. No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and, consistent with the findings and recommendations **ORDERS** that the Motions to Dismiss filed by Defendants Barker and Allen (ECF No. 56), Defendants Bailey and

Henderson (ECF No. 58), and Defendant Erwin (ECF No. 64), be **GRANTED**; the complaint, amended complaint, and second amended complaint be **DISMISSED** against the foregoing defendants; and they be **REMOVED** as parties from this civil action.

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 30, 2023

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

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE