

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

JASON ERIC SWANSON,
Petitioner,

v.

**CIVIL ACTION NO. 1:04CV170
(Judge Broadwater)**

**B. A. BLEDSOE; MR. HARRELL WATTS;
K.M. WHITE; MR. WENDT; P. WEIDMAN;
R. McCLOUD; and MR. HARLEY LAPPIN,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge John S. Kaul and the petitioner's objections.

After considering the Report and Recommendation as well as the objections, the Court concludes that the petitioner's complaint **NOT** be summarily dismissed and that the defendants be served with a copy of the complaint and it is so **ORDERED**.

The Court also **ADOPTS** and **ORDERS** that the plaintiff's Motion to Compel (Docket No. 6) be **DENIED AS MOOT**, that the petitioner's Motion to Appoint Counsel (Docket No. 8) be **DENIED**, and that the petitioner's Motion for Jury Trial (Document No. 8) be **DENIED AS MOOT**.

The Court has also reviewed the petitioner's Motion for Leave to File an Amended Complaint (Docket No. 12). This motion seeks to add two members of the "Local RIC." The Court concludes that the motion does not set forth a course of action in the motion and that the original complaint has not yet been served. The Motion for Leave to Amend (Docket No. 12) is hereby **DENIED** at this time.

The Clerk is directed to mail a copy of this Order to the *pro se* plaintiff and attach a copy to the Complaint to be served on the Defendants.

DATED this 15th day of March 2006.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE