

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

**JAMES MURRAY,
a/k/a James Hines,**

Plaintiff,

v.

**Civil Action No. 5:07cv6
(Judge Stamp)**

**HARLEY LAPPIN, Director
Federal Bureau of Prisons,**

Defendant.

ORDER DENYING MOTION FOR REVISED RECOMMENDATION

On December 4, 2007, the undersigned issued an opinion in this civil rights action in which it is recommended that the defendant's Motion to Dismiss be granted and this case be dismissed. In support of this recommendation, the undersigned found that the issue raised in the complaint is now moot and that none of the exceptions to the mootness doctrine apply. Alternately, the undersigned determined that the plaintiff failed to state a claim for which relief could be granted and that the plaintiff failed to name a defendant against whom relief could be sought. This case is now before the undersigned on the plaintiff's motion for a revised recommendation. In his motion, the plaintiff provides additional support for his underlying claim and asks the Court to revise its recommendation based on the additional information.

Upon a thorough review of the motion and attached exhibits, it appears that the plaintiff is attempting to bolster the claims of the complaint by supplying the court with additional information that the Court found lacking when it made its recommendation. However, the information provided by the plaintiff goes merely to the undersigned's determination that he failed to state a claim for

which relief can be granted. Even assuming that the new information establishes the underlying claim for relief, which it does not, the plaintiff's claim is still moot and he still fails to name a defendant against whom relief can be sought. Thus, the undersigned finds no cause to revise the recommendation.

Accordingly, the plaintiff's Motion for Revised Recommendation (dckt. 59) is **DENIED**. As explained in the Report and Recommendation, any objections to the findings in that opinion should be made through timely objections filed with the District Judge.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* petitioner.

DATED: December 21, 2007.

John S. Kaull
JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE