

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

UNITED STATES OF AMERICA,

Plaintiff,

v. // CRIMINAL ACTION NO. 1:15CR4  
(Judge Keeley)

FRANKLIN S. COTTRELL, JR.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 25]

On March 20, 2015, the defendant consented to proceed in his misdemeanor case before the Honorable John S. Kaul, United States Magistrate Judge. (Dkt. No. 19). Accordingly, he pled guilty to Count Two of the two-count indictment before Magistrate Judge Kaul, who accepted his guilty plea, and, with the agreement of counsel, proceeded to sentencing. (Dkt. No. 21). After the sentence was imposed, the government moved to dismiss Count One of the indictment. (Dkt. No. 22 at 1). Magistrate Judge Kaul recommends that this Court grant the government's motion to dismiss the remaining count. (Dkt. No. 25). Finding no clear error, the Court **ADOPTS** the R&R, and **DISMISSES** Count One of the indictment.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: March 27, 2015.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE