

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

TIMOTHY L. JACKSON,

Plaintiff,

vs.

ERIC DIMGEE,

Defendant.

:

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Case No. 3:09cv315

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JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE JUDGE (DOC. #3) AND  
OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOC. #4);  
OBSERVATION OF COURT SET FORTH; CAPTIONED CAUSE  
DISMISSED, WITHOUT PREJUDICE, FOR FAILURE TO STATE A CLAIM  
UPON WHICH RELIEF CAN BE GRANTED; JUDGMENT TO ENTER  
ACCORDINGLY; TERMINATION ENTRY

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Based upon the reasoning and citations of authority set forth by the United States Magistrate Judge in his Report and Recommendations (Doc. #3), filed August 25, 2009, as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Report and Recommendations are adopted in their entirety. The Plaintiff's Objections to said judicial filing (Doc. #4) are overruled.

The Plaintiff's Complaint, as drafted, fails to set forth a claim under either federal or state law. While it is difficult to conceive of an Amended Complaint setting forth a claim under federal law, the Plaintiff may well have a claim under

state law, filed in the Montgomery County Court of Common Pleas.

The Complaint herein is dismissed, without prejudice, for failure to state a claim upon which relief can be granted. Judgment is to be entered accordingly.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

/s/ Walter Herbert Rice

September 14, 2009

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Timothy L. Jackson, Pro Se

Magistrate Judge Michael R. Merz