

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

ANTHONY MITCHELL,

Plaintiff,

vs.

DMHA, et al.,

Defendants.

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Case No. 3:11cv160

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE (DOC. #4) IN THEIR ENTIRETY AND OVERRULING PLAINTIFF’S OBJECTIONS THERETO (DOC. #5); JUDGMENT TO ENTER IN FAVOR OF THE DEFENDANTS AND AGAINST PLAINTIFF HEREIN; ANTICIPATED MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS* DENIED; TERMINATION ENTRY

Pursuant to the reasoning and citations of authority set forth in the Report and Recommendations of the United States Magistrate Judge (Doc. #4), 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. #5) are overruled.

Judgment will be entered ordered in favor of Defendants and against Plaintiff herein, dismissing the Plaintiff’s Complaint, without prejudice to a refile, subject to the applicable Rules and legal authority.

Given that any appeal from this Court's opinion would be objectively frivolous and, therefore, not be taken in good faith, leave to appeal *in forma pauperis* is denied.

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.

September 13, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Anthony Mitchell, *Pro Se*