

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
ASHLAND

Eastern District of Kentucky
FILED
JAN 28 2019
AT ASHLAND
ROBERT R. CARP
CLERK U.S. DISTRICT COURT

Civil Action No. 18-37-HRW

ERIC ANTHONY JOHNSON,

PLAINTIFF,

v.

ORDER

MILLER, *et al.*,

DEFENDANTS.

This matter is before the Court upon Defendants' Motion to Dismiss [Docket No. 21], Defendants' Motions for Summary Judgment [Docket Nos. 22 and 23]. The motions were referred to United States Magistrate Judge Hanly A. Ingram for Report and Recommendation.

On January 9, 2019, Magistrate Judge Ingram entered his Report and Recommendation wherein he found that the Defendants' motion to dismiss should be overruled and their motions for summary judgment should be sustained. [Docket No. 24].

Hearing no objections to the report and recommendation, and seeing no error in same, this Court adopts the recommendation.

Accordingly, **IT IS THEREFORE ORDERED AND ADJUDGED:**

- 1) that the Magistrate Judge's report and recommendation is hereby approved and adopted as and for the opinion of the Court,
- 2) that the Motion to Dismiss [Docket No. 21] be **OVERRULED**,
- 3) that the Motions for Summary Judgment [Docket Nos. 22 and 23] be **SUSTAINED**;
- 4) the Court declines to grant a Certificate of Appealability; and
- 5) that this is a final and appealable order.

This 28th day of January, 2019.



Signed By:

Henry R. Wilhoit, Jr.

United States District Judge