

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
AT LEXINGTON

CHARLES EDWARD ADAMS, JR.,

Plaintiff,

V.

RODNEY BALLARD, et al.,

Defendants.

CIVIL ACTION NO. 5:13-124-KKC

ORDER

*** **

This matter is before the Court a motion for summary judgment brought by defendants Rosita Rodriguez and Robert Simpson (DE 30) and a pro se motion for summary judgment brought by plaintiff Charles Adams (DE 32). Pursuant to 28 U.S.C. § 636(b), this matter was referred to a United States Magistrate Judge to conduct all further proceedings, including preparing proposed findings of fact and recommendations on any dispositive motions. (DE 25).

Magistrate Judge Edward B. Atkins filed his Report and Recommendations (DE 38) on February 24, 2015. Based on a review of the record and the applicable case law, Magistrate Judge Atkins recommended that plaintiff's motion for summary judgment be denied and defendants' motion for summary judgment be granted. Judge Atkins advised the parties that they had fourteen (14) days in which to file objections to the recommendation under 28 U.S.C. § 636(b)(1). No party has filed objections, nor sought an extension of time to do so.

Generally, this Court makes a *de novo* determination of those portions of a recommended disposition to which objections are made. 28 U.S.C. § 636(b)(1)(c). However,

this Court is not required to “review . . . a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Furthermore, parties who fail to object to a Magistrate’s report and recommendation are barred from appealing a district court’s order adopting that report and recommendation. *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981). Nevertheless, this Court has examined the record, and having made a *de novo* determination, it agrees with the Magistrate Judge’s Report and Recommendation (DE 38).

Accordingly, it is **HEREBY ORDERED** as follows:

1. The Magistrate Judge’s Report and Recommendation (DE 38) is **ADOPTED** as and for the opinion of the Court;
2. The motion for summary judgment filed by defendants Rosita Rodriguez and Robert Simpson (DE 30) is **GRANTED**;
3. Plaintiff’s claims against defendants Rosita Rodriguez and Robert Simpson are **DISMISSED**; and
4. Plaintiff Charles Adams’s Motion for Summary Judgment (DE 32) is **DENIED**.

Dated March 17, 2015.



Karen K. Caldwell

KAREN K. CALDWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY