

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

JAMES EDWARD GEORGE, JR.,)	
)	Civil Action No.
Plaintiff,)	5:17-cv-00013-JMH-HAI
)	
v.)	MEMORANDUM OPINION & ORDER
)	
JOHN RECTOR, <i>et al.</i> ,)	
)	
Defendant.)	

** ** ** ** **

This matter is before the Court upon the Report and Recommendation of the Magistrate Judge [DE 43], which was referred to the Magistrate Judge for all pretrial proceedings, including a Report and Recommendation on any dispositive motions. Plaintiff has filed no objections.

In his Amended Complaint [DE 10], Plaintiff claims that Defendants are liable to him under 42 U.S.C. § 1983 for various violations of his constitutional rights arising out of strip searches, a series of disciplinary write-ups, a patdown search, a phone conversation, and an erroneous visitation restriction. For a variety of reasons articulated in the Report and Recommendation, the Magistrate Judge recommends that each claim be dismissed.

Pursuant to Federal Rule of Civil Procedure 72, a party may object to and seek review of a magistrate judge's report and recommendation. See Fed. R. Civ. P. 72(b)(2). If objections are

made, "[t]he district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3). Objections must be stated with specificity. *Thomas v. Arn*, 474 U.S. 140, 151 (1985) (citation omitted). "Only those specific objections to the magistrate's report made to the district court will be preserved for appellate review." *Carson v. Hudson*, 421 F. App'x 560, 563 (6th Cir. 2011) (quoting *Souter v. Jones*, 395 F.3d 577, 585-86 (6th Cir. 2005)).

Here, Plaintiff has filed no objection to the Magistrate Judge's recommendation that Defendants' Motion for Summary Judgment [DE 38] be granted, that all claims against Defendants be dismissed, and that this action count as a "strike" for the purposes of 28 U.S.C. § 1915(g). Generally, "a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations made by the magistrate judge." 28 U.S.C. § 636. However, when the petitioner fails to file any objections to the Recommended Disposition, as in the case *sub judice*, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Further, the Court concludes that the recommended disposition is well supported by the facts and law cited by the magistrate judge. Consequently, this Court adopts the well-articulated and detailed reasoning set forth in the Report

and Recommendation as its own.

Accordingly, **IT IS ORDERED:**

(1) that the Magistrate Judge's Report and Recommendation [DE 43] is **ACCEPTED** and **ADOPTED** as the Court's decision;

(2) that Defendant's Motion for Summary Judgment [DE 38] is **GRANTED**;

(3) that this action shall count as a "strike" for the purposes of 28 U.S.C. § 1915(g).

This is the 9th day of April, 2018.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge