

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TERRANCE ROANE,	)	
	)	CASE NO. 4:14CV1779
Plaintiff,	)	
	)	JUDGE BENITA Y. PEARSON
v.	)	
	)	
CHRISTOPHER J. LAROSE, <i>et al.</i> ,	)	<b><u>MEMORANDUM OF OPINION</u></b>
	)	<b><u>AND ORDER</u></b>
Defendants.	)	[Resolving ECF Nos. <a href="#">33</a> and <a href="#">39</a> ]

*Pro Se* Plaintiff Terrance Roane<sup>1</sup> filed this action under [42 U.S.C. § 1983](#) against Trumbull Correctional Institution (“TCI”) Warden Christopher J. LaRose, TCI Sergeant Beverly Reghetti,<sup>2</sup> and Ohio Department of Rehabilitation and Correction (“ODRC”) Director Gary Mohr. Plaintiff’s claims against TCI Warden LaRose and ODRC Director Mohr were dismissed pursuant to [28 U.S.C. §1915\(e\)](#). The case was allowed to proceed solely on Plaintiff’s Eighth Amendment claim against Sergeant Reghetti. *See* Memorandum of Opinion and Order ([ECF No. 9](#)).

On April 30, 2015 and in March 2016, the case was referred by the undersigned to Magistrate Judge George J. Limbert for general pretrial supervision pursuant to [28 U.S.C. § 636](#) and [Local Rules 72.1 and 72.2\(a\)](#), which authorized him to file with the Court a report containing

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<sup>1</sup> According to the Ohio Department of Rehabilitation and Correction website (<http://odrc.drc.ohio.gov/OffenderSearch/> (last visited November 2, 2016)), Plaintiff was declared a parole violator at large on August 12, 2016.

<sup>2</sup> Defendant’s name is spelled as “Rehgetti” in the Complaint ([ECF No. 1](#)) and Plaintiff’s Motion for Leave to Amend Complaint ([ECF No. 4](#)).

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proposed findings and a recommendation for disposition of case-dispositive motions. *See* Order of Reference ([ECF No. 11](#)); Non-document Order dated March 24, 2016.

On June 21, 2016, Sergeant Reghetti filed and served a Motion for Summary Judgment ([ECF No. 33](#)). She moves the Court for summary judgment pursuant to [Fed. R. Civ. P. 56](#) because no factual dispute remains to be determined regarding whether Plaintiff fully exhausted his administrative remedies.

After Defendant's Motion was filed, the Magistrate Judge submitted a Report and Recommendation ([ECF No. 38](#)) recommending that the Court grant Defendant's motion and dismiss the Complaint ([ECF No. 1](#)) in its entirety with prejudice based upon Plaintiff's failure to satisfy Step Two of the Inmate Grievance Procedure. [ECF No. 38 at PageID #: 177; 184](#).

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the Magistrate Judge's Report were, therefore, due on October 31, 2016.<sup>3</sup> Neither party has filed objections, evidencing satisfaction with the Magistrate Judge's recommendation. Any further review by the Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn, 728 F.2d 813 \(6th Cir. 1984\)](#), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services, 932 F.2d 505 \(6th Cir. 1991\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#).

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<sup>3</sup> Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the fourteen-day time period because the Magistrate Judge's Report was served upon Plaintiff and counsel for Sergeant Reghetti by operation of the Court's electronic filing system. *See* [Electronic Filing Policies and Procedures Manual \(July 20, 2015\) at 6](#). October 29, 2016 was a Saturday. According to [Fed. R. Civ. P. 6\(a\)\(1\)\(C\)](#), in computing time, the court should "include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday." Thus, the objections were due on Monday, October 31, 2016.

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Accordingly, the Report and Recommendation ([ECF No. 38](#)) is hereby adopted.

Defendant's Motion for Summary Judgment ([ECF No. 33](#)) is granted without opposition.<sup>4</sup>

Plaintiff's Eighth Amendment claim against Sergeant Reghetti is dismissed with prejudice.

Defendant's Motion to Excuse the Attendance of Parties or a Party Representative With Settlement Authority at the Case Management Conference and to Permit Counsel to Attend Via Telephone ([ECF No. 39](#)) is denied as moot.

The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

November 2, 2016  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge

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<sup>4</sup> It is the law of the Sixth Circuit that [Fed. R. Civ. P. 56](#) requires a court, even where a motion for summary judgment is unopposed, to determine that the moving party has established a right to relief as a matter of law and that no genuine issue of material fact exists before the court can award summary judgment. [Donlin v. Watkins, 814 F.2d 273, 277 \(6th Cir. 1987\)](#); [Kendall v. Hoover Co., 751 F.2d 171, 173-74 \(6th Cir. 1984\)](#).