

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

|                                |   |                            |
|--------------------------------|---|----------------------------|
| David Easley,                  | : |                            |
|                                | : |                            |
| Plaintiff(s),                  | : |                            |
|                                | : | Case Number: 1:06cv863     |
| vs.                            | : |                            |
|                                | : | Chief Judge Susan J. Dlott |
| Deborah Nixon-Hughes, et. al., | : |                            |
|                                | : |                            |
| Defendant(s).                  | : |                            |

ORDER

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Timothy S. Hogan filed on February 10, 2010 (Doc. 33) and February 22, 2010 ( Doc. 35) to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired March 2 and March 15, 2010 respectively, hereby ADOPTS said Report and Recommendations.

Regarding the Report and Recommendation (Doc. 33), plaintiff’s complaint is **DISMISSED** without prejudice for failure of service.

With regards to the Report and Recommendation (Doc. 35), Defendants’ (Nixon-Hughes), Collins, Prise and Newsome) Motion for Summary Judgment (Doc. 32) is **GRANTED**. Plaintiff’s complaint is **DISMISSED** and this case is **TERMINATED** from the Court’s docket.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Court's Order will not be taken in good faith. *See McGore v. Wigglesworth*, 114 F.3d 601 (6<sup>th</sup> Cir. 1997),

IT IS SO ORDERED.

—

s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court