

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

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|---------------------------------|---|----------------------------|
| TOBY D. WILCOX, | : | |
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| Plaintiff(s), | : | |
| | : | Case Number: 1:07cv554 |
| vs. | : | |
| | : | Chief Judge Susan J. Dlott |
| OHIO PENAL INDUSTRIES, et. al., | : | |
| | : | |
| Defendant(s). | : | |

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Hogan filed on November 4, 2009 (Doc. 43), 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 November 25, 2009, hereby ADOPTS said Report and Recommendation.

Accordingly, defendants’ motion to dismiss (Doc. 36) is **DENIED**.

IT IS SO ORDERED.

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

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