

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

WILLIAM R. FRANKLIN,

Plaintiff,

Case No. 1:08cv466

v.

Judge Michael R. Barrett

UNITED STATES PARCEL SERVICE,
et al.

Defendants.

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (Doc. 54) and Plaintiff's objections thereto (Doc. 64). The Magistrate Judge concluded that, in the absence of proper service, the Court lacks *in personam* jurisdiction over the individual defendant. The Magistrate Judge therefore recommended that defendants Lee Hornberger, Cincinnati Counseling Service and the American Postal Workers Union be dismissed from this action for lack of service pursuant to Fed. R. Civ. P. 4(m).

When objections are received to a magistrate judge's Report and Recommendation on a dispositive matter, the assigned district judge "shall make a de novo determination...of any portion of the magistrate judge's disposition to which specific written objection has been made...." Fed. R. Civ. P. 72(b). After review, the district judge "may accept, reject or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." *Id*; see also 28 U.S.C. 636(b)(1)(B). General objections are insufficient to preserve any issues for review; "[a] general objection to the

entirety of the magistrate's report has the same effects as would a failure to object.”
Howard v. Secretary of Health and Human Services, 932 F.2d 505, 509 (6th Cir. 1991).

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

Upon a *de novo* review of the record, especially in light of Plaintiff's objections, the Court finds that Plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Doc. 54). Defendants Lee Hornberger, Cincinnati Counseling Service and the American Postal Workers Union be dismissed from this action for lack of service pursuant to Fed. R. Civ. P. 4(m).

Thus, there being no defendants remaining in this case, this matter is hereby CLOSED. The Clerk of Courts is directed to terminate this matter from the docket of this Court.

IT IS SO ORDERED.

s/Michael R. Barrett
United States District Judge