UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Leonard Hunter,

Plaintiff,

v.

Hamilton County, Ohio, et al.,

Defendants.

CASE NO. 1:09-cv-234-MRB-TSH

JUDGE MICHAEL R. BARRETT

ORDER

This matter is before the Court on a Report and Recommendation filed by Magistrate Judge Hogan (Doc. 22) as to Defendant Simon Leis, Jr.'s Motion For Judgment On The Pleadings (Doc. 12). Plaintiff has filed objections to the Magistrate Judge's Report and Recommendation (Doc. 22).

When objections are received to a magistrate judge's Report and Recommendation on a dispositive matter the assigned 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). After review, the district judge "may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." *Id.*; *see also* 28 U.S.C. § 636(b)(1). General objections are insufficient to preserve 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).

As to the Plaintiff's objections to the Report and Recommendation, the Court

finds that his filing does not raise a specific objection but instead is general in nature and merely restates his prior arguments. Thus, Plaintiff has failed to preserve this issue for review. *Id.*

Despite Plaintiff's failure to specifically object, the Court has reviewed this matter de novo pursuant to 28 U.S.C. § 636 and finds the Magistrate Judge's Report and Recommendation to be correct and well reasoned. Plaintiff has failed to raise any factual issues or case law to support his proposition that Simon Leis is responsible for his medical problems thereby failing to state a claim for relief under 42 U.S.C. § 1983. Not only has Plaintiff failed to show that Leis violated the Eighth Amendment by showing deliberate indifference to a "substantial risk of serious harm," *Farmer v. Brennan*, 511 U.S. 825, 828 (1994), all actions alleged in Plaintiff's complaint and pleadings were performed while Leis was entitled to qualified immunity. Qualified immunity protects government officials performing discretionary functions "from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 22) of the Magistrate Judge is hereby **ADOPTED**. Defendant's Motion For Judgment On The Pleadings (Doc. 12) is hereby **GRANTED**.

IT IS SO ORDERED.

s/Michael R. Barrett
UNITED STATES DISTRICT JUDGE