

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

Christopher Vernon Downey,

Plaintiff,

v.

Case No. 1:09cv634

Blaise A. Downey,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on December 11, 2012 (Doc. 53).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation (Doc. 53) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 53) of the Magistrate Judge is hereby **ADOPTED**. Defendant's Motion for Summary Judgment (Doc. 48) is **GRANTED**. This matter is **DISMISSED** from the docket of this Court.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge