

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHRISTO LASSITER,	:	
	:	
Plaintiff,	:	NO. 1:10-CV-010
	:	
v.	:	
	:	OPINION AND ORDER
DEVON DULLAGHAN, et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the Magistrate Judge's December 23, 2010 Report and Recommendation (doc. 51), to which no objections were filed. Finding no clear error on the face of the record, the Court ADOPTS and AFFIRMS the Report.

In brief, Plaintiff has filed a civil rights case arising out of a custody dispute with Defendant Dullaghan. In response to Plaintiff's complaint, on April 14, 2010, Defendants The City of Cincinnati, Unnamed Officials in the City of Cincinnati Prosecutor's Office, and Unnamed Police Officers filed a motion to dismiss for lack of jurisdiction and failure to state a claim (doc. 18). On November 17, 2010, Plaintiff was given leave to file a third amended complaint, which added the names of the previously unnamed City of Cincinnati Officials and Police Officers (docs. 47 & 48).

The Magistrate Judge recommends denying the instant motion to dismiss as moot because the amended complaint supersedes the original and corrects the issues noted in the motion (doc. 51).

Because no objections to the Magistrate Judge's report were filed, the Court must merely satisfy itself that there is no clear error on the face of the record. See, e.g., Advisory Committee Notes to Fed. R. Civ. P. 72; Thomas v. Arn, 474 U.S. 140, 150(1985)("It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings"). Not only does the Court find no clear error on the face of the record, the Court finds that the Magistrate Judge's Report and Recommendation is thorough, well-reasoned and correct. Accordingly, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation in all respects (doc. 51). Therefore, the motion to dismiss filed by Defendants The City of Cincinnati, Unnamed Officials in the City of Cincinnati Prosecutor's Office, and Unnamed Police Officers is DENIED as moot (doc. 18).

SO ORDERED.

Dated: February 2, 2011

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge