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

Antonio Colbert,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:10cv839
vs.	:	
	:	Chief Judge Susan J. Dlott
Metro,	:	
	:	
Defendant(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on December 3, 2010 (Doc. 7), 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 December 23, 2010, hereby ADOPTS said Report and Recommendation.

Accordingly, plaintiff's complaint is **DISMISSED** for failure to state a claim upon which relief may be granted.

The Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of this Order will not be taken in good faith, therefore, **DENYING** plaintiff leave to appeal *in forma pauperis.* Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider,* 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.,* 105 F.3d 274, 277 (6th Cir. 1997).

IT IS SO ORDERED.

Chief Judge Susan J. Dlott
United States District Court