

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHRISTOPHER F. CASTANIAS,

Plaintiff

v.

C-1-11-296

ALECIA C. LIPTON, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 4), objections by defendant Ohio Department of Job and Family Services ("ODJFS") (doc. no. 7) and plaintiff's untimely response (doc. no. 14, filed 6/23/2011). The Magistrate Judge *sua sponte* concluded that plaintiff's claims against defendants ODJFS and the Warren County Ohio Child Support Enforcement Agency may proceed and ordered issuance of the summons and Complaint upon those defendants. Summons was served on the defendants and returned on June 20, 2011.

The Magistrate Judge also recommended that the claims against defendant Alecia C. Lipton be dismissed. No objections to the dismissal

of defendant Alecia C. Lipton were filed. On May 25, 2011, defendant ODJFS filed its objections to the Report and Recommendation, demanding its dismissal from the case, as well. Also on that date, defendant ODJFS filed a Motion to Dismiss requesting dismissal of the Complaint against it (doc. no. 8), to which plaintiff responded (doc. no. 13).

The issues presented in defendant's Motion to Dismiss are the same as in defendant's objections to the Report and Recommendation. In light of the foregoing, this Court concludes the objections to the Report and Recommendation are MOOT.

The Court RECOMMITS this case to the Magistrate Judge for consideration of the Motion to Dismiss and for further proceedings according to law.

The claims against defendant Alecia C. Lipton are DISMISSED.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court