

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DANIEL C. BARNES, JR.,

Plaintiff

v.

C-1-11-380

DON MORGAN, *et al.*,

Defendants

This matter is before the Court upon the Order and Report and Recommendation of the United States Magistrate Judge (doc. no. 39), plaintiff's objections (doc. nos. 41 and 42) and defendants' response (doc. no. 44). Simultaneously with his objections, plaintiff filed a Motion for an Extension (doc. no. 43) concerning "Document 38" in case of the "objections" not reaching the Court on time. The Magistrate Judge's Order and Report and Recommendation was filed on January 18, 2012, received by plaintiff on January 20, 2012, and the plaintiff's objections were timely filed with this Court on January 25, 2012. Plaintiff's Motion for Extension (doc. no. 43) is DENIED as moot.

The Magistrate Judge denied plaintiff's Motions for Discovery (doc. nos. 15 and 32), plaintiff's Motion to Appoint Counsel (doc. no. 16), defendant's Motion to Stay Discovery (doc. no. 36) and recommended that plaintiff's Motions for Injunctive Relief (doc. nos. 9 and 17) be DENIED; plaintiff's Motions to Amend (doc. nos. 18, 25 and 31) be DENIED; plaintiff's Motion for Default (doc. no. 29) be DENIED; defendants' Motion to Dismiss (doc. no. 27) be GRANTED and plaintiff's Complaint be dismissed.

Plaintiff objects to the Magistrate Judge's Orders as being clearly erroneous and to her Report and Recommendation on the grounds that her findings and recommendations are contrary to law.

CONCLUSION

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth

the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Order and Report and Recommendation of the United States Magistrate Judge (doc. no. 39). The Magistrate Judge's Orders are AFFIRMED. Plaintiff's Motions for Injunctive Relief (doc. nos. 9 and 17) are DENIED; plaintiff's Motions to Amend (doc. nos. 18, 25 and 31) are DENIED; plaintiff's Motion for Default (doc. no. 29) is DENIED; defendants' Motion to Dismiss (doc. no. 27) is GRANTED and plaintiff's Complaint is dismissed.

This case is DISMISSED AND TERMINATED on the docket of this Court.

IT IS SO ORDERED.

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