

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

Kyria Graves,

Plaintiff,

v.

Case No. 1:12cv331

City of North College Hill, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on June 28, 2013 (Doc. 25).

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 (Doc. 25) 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. 25) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 25) of the Magistrate Judge is hereby **ADOPTED**. Defendants' Motion for Summary Judgment (Doc. 15) is **GRANTED**.

The Court certifies pursuant to 28 U.S.C. § 1915(a) that an appeal of any Order adopting this Report and Recommendation (Doc. 25) would not be taken in "good faith," and therefore would **DENY** leave to appeal in *forma pauperis*. Plaintiff is permitted to apply to proceed *in forma pauperis* in the Court of Appeals.

IT IS SO ORDERED.

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