Smith et al v. Cincinnati City of et al Doc. 46

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jeffrey Smith, *et al.*,

Plaintiffs,

v. Case No. 1:12cv648

City of Cincinnati, *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 February 13, 2013 (Doc. 28) and the Response to Plaintiff's Filing on Report and Recommendation of Dismissal of Nominal Defendant Constance Gallagher (Doc. 45) filed by the Defendant Gallagher (Doc. 45). This matter is now ripe for review.

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. 28) 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. 28) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED.** Plaintiff's Motion for Summary Judgment (Doc. 10) is **DENIED**; Defendants Levy, City of Cincinnati and Gallagher's Motions to Dismiss (Docs 11, 14 and 15) are **GRANTED**; and Plaintiffs' claims against Defendants Goodwyn, Brown and the United States Patent and Trademark Office are **DISMISSED**.

IT IS SO ORDERED.

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

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