

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARSHALL G. HILES,	:	Case No. 1:12-cv-673
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
ARMY REVIEW BOARD	:	
AGENCY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY ADOPTING THE REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE  
(Doc. 104)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on August 13, 2015, submitted a Report and Recommendation. (Doc. 104). Plaintiff did not file objections, but he did file a petition for writ of prohibition and mandamus. (Doc. 108). On February 11, 2016, the Sixth Circuit denied the petition. *See In re: Marshall G. Hiles*, No. 15-3992 (6th Cir. Feb. 11, 2016). Accordingly, the Report and Recommendation is ripe for review.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

determine that such Report and Recommendation should be and is hereby adopted in its entirety:

1. Plaintiff's motion for recusal (Doc. 99) is **DENIED**;
2. Defendants' motion for summary judgment and renewed motion to dismiss Count II (Doc. 97) is **GRANTED**;
3. Plaintiff's motion to vacate (Doc. 101) is **DENIED**; and
4. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

**IT IS SO ORDERED.**

Date: 2/12/16

*s/ Timothy S. Black*  
Timothy S. Black  
United States District Judge