

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

ROY A. DURHAM,

Plaintiff

v.

C-1-13-226

**WARDEN MICHAEL SHEETS,
et al.,**

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 54) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 54) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. Defendants' Motion for Judgment on the Pleadings (doc. no. 49) is DENIED. Plaintiff's Motion to Voluntarily Dismiss defendants Romanak, Bush, Maggard, Sarwar and McIntosh (doc. no. 39) and Motions to Amend Complaint and Stay Proceedings (doc. nos. 50 and 51) are DENIED.

This case is RECOMMITTED to the United States Magistrate for further proceedings according to law.

IT IS SO ORDERED.

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