UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WILLIE JAMES BUSH, JR.,

Plaintiff

v.   **C-1-13-448**

DR. YOUSUF AHMAD, *et al.*,

Defendants

ORDER

This matter, assigned to this Judge by Order dated July 8, 2013 (doc. no. 5), is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 4) and plaintiff's objections thereto (doc. no. 7). The Magistrate Judge concluded that plaintiff's Complaint is subject to dismissal as frivolous under 28 U.S.C. § 1915(e)(2)(B) and for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(h)(3). The Magistrate Judge therefore recommended that plaintiff's Complaint be DISMISSED WITH PREJUDICE.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

<u>CONCLUSION</u>

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 Magistrate Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE the Report and Recommendation of the United States Magistrate Judge (doc. no. 4). Plaintiff's Complaint (doc. no. 3) is DISMISSED and this case is TERMINATED on the docket of this Court.

For all of the above reasons, this Court certifies pursuant to 28 U.S.C. §1915(a)(3) that an appeal of this Order would not be taken in good faith. *See, McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997). The Court therefore DENIES plaintiff leave to proceed *in forma pauperis* in the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

s/Herman J. Weber

Herman J. Weber, Senior Judge
United States District Court