

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ERNEST MARSHALL, *et al.*, : Case No. 1:13-cv-847  
: :  
Plaintiffs, : Judge Timothy S. Black  
: Magistrate Judge Karen L. Litkovitz  
: :  
vs. : :  
: :  
CYNTHIA B. MAUSSER, *et al.*, : :  
: :  
Defendants. : :

**DECISION AND ENTRY ADOPTING THE REPORT AND  
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE  
(Doc. 17)**

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 March 7, 2014 submitted a Report and Recommendations. (Doc. 17). Plaintiff Robert Lee Harris, Jr. filed objections. (Docs. 23, 25).<sup>1</sup>

As required by 29 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

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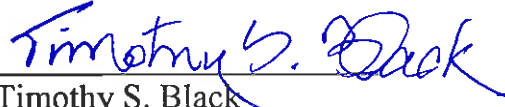
<sup>1</sup> In the objections, Plaintiff does not contest that a pro se litigant cannot properly represent a class, but argues that Plaintiffs should be appointed class counsel. However, Magistrate Judge Litkovitz denied Plaintiff's motion to appoint counsel. (Doc. 27). Accordingly, Plaintiff's objections are moot. *See also Herrerra v. Michigan Dep't of Corr.*, No. 5:10cv11215, 2011 U.S. Dist. LEXIS 98576, at \*6 (E.D. Mich. July 22, 2011) (denying *pro se* plaintiffs' motions for class certification and the appointment of counsel to represent the "putative class" because (1) the "competence of a layman is clearly too limited to allow him to risk the rights of others;" and (2) the court lacked authority to appoint counsel to represent plaintiffs so that they could pursue their claims as a class action).

of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety.

Accordingly, Plaintiffs' motion for class certification (Doc. 7) is **DENIED**.

**IT IS SO ORDERED.**

Date: 4/14/14

  
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Timothy S. Black  
United States District Judge