

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

David Easley,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:14cv100
vs.	:	
	:	Chief Judge Susan J. Dlott
Dana Judd, et al.,	:	
	:	
Defendant(s).	:	

ORDER

This matter 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 Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on March 6, 2014 a Report and Recommendation (Doc. 5). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 10).

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 Recommendation should be adopted.

Accordingly, the following defendants are dismissed from this action since plaintiff has failed to state a claim upon which relief may be granted against them in this Court: Donald Morgan; Anthony Cadogan; Fiasal Ahmed; Linnea Mahlman; Gary Croft; John Kasich; Michael Jenkins; Joanna Saul; "C/O Distel"; Larry Greene; Walter Sammons; Dr. John Desmarais; Mona Parks; Rosie Clagg; Chaplain York; Sue Bigham and Brian Felts.

It is further ORDERED that the complaint is **DISMISSED** with prejudice for failure to

state a claim upon which relief can be GRANTED except to the extent that the following limited causes of action under 42 U.S.C. §1983 may proceed: (1) plaintiff's claim against defendants Dana Judd, Sara Warren and Lt. Frazie stemming from the ban allegedly placed by SOCF's mail room on plaintiff's receipt of music CDs and erotic magazines and books; (2) plaintiff's claim against defendants Gary C. Mohr, Wanza Jackson, "ODRC Food Service Chief"; and "SOCF Food Service Provider" for allegedly violating his First Amendment right to freely exercise his religion by enacting and implementing a cost-saving policy regarding the provision of kosher meals that has allowed for certain non-kosher food items to be served at SOCF as part of the kosher meal; (3) plaintiff's Eighth Amendment claim against defendants Case Stone and Jason Azbel stemming from an incident that occurred on January 1, 2013 when plaintiff was allegedly burned by the use of mace on another inmate in his unite and was not permitted to wash the mace off or to receive immediate medical treatment for the burns; (4) plaintiff's claim against defendants Kathy Burns, Dirk Prise, Cynthia Davis, Dr. Ford, Ms. Lehman and Bertha Goodman challenging his long-term placement in isolation as a substitute for treatment for his mental health problems, as well as the defendants' failure to provide adequate mental health services to him. *See* 28 U.S.C. §§1915(e)(2)(B) and 1915(A)(b).

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court