UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES A. EVANS,	:	Case No. 1:15-cv-161
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
GARTH FRI, *et al.*,	:	
	:	
Defendants.	:	

DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 24)

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 Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on June 8, 2015, submitted a Report and Recommendations. (Doc. 24). Plaintiff filed objections. (Doc. 26).[1]

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 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**.

[1] Plaintiff argues that his complaint contains sufficient allegations to sustain claims against Defendant Evans, in her individual capacity, for failure to protect and deliberate indifference to safety. (*See* Doc. 6 at 3). This objection is overruled for the reasons articulated in the Report and Recommendations. (*See* Doc. 24 at 2).

Accordingly, for the foregoing reasons:

1. To the extent that Brittney Evans was not dismissed as a defendant in this action by virtue of the Court's March 19, 2015 Decision and Entry adopting the April 28, 2015 Report and Recommendations (Doc. 12), Plaintiff's claims against Defendant Brittney Evans are now **DISMISSED**; and

2. Because the Report and Recommendations (Doc. 24) and this Order provide the clarification sought in Defendant Evans' motion for clarification (Doc. 17), that motion is **TERMINATED** as **MOOT**.

IT IS SO ORDERED.

Date: 7/10/15

Timothy S. Black
United States ~~District~~ Judge