

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

Kenneth J. Rutherford, Jr.,

Plaintiff,

v.

Case No. 1:15cv164

Warden, Southern Ohio
Correctional Facility, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on April 5, 2017 (Doc. 86).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 86) of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's Motion for Default Judgment (Doc. 65) is **DENIED**.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge