

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

KENNETH J. RUTHERFORD, JR.,

Case No.: 1:15CV164

PLAINTIFF,

Judge Michael R. Barrett

v.

WARDEN, SOUTHERN OHIO
CORRECTIONAL FACILITY, *et al.*,

DEFENDANTS.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on March 23, 2015. (Doc. 5).

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*, 6348 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Upon review, it is hereby **ORDERED** that the Report and Recommendation (Doc. 5) is **ADOPTED**. Consistent with the Report and Recommendation, the following claims are hereby **DISMISSED**: (1) plaintiff's claims for injunctive relief; (2) any claim against defendants Jackson and Williamson based on allegations of a verbal altercation and harassment that occurred at SOCF on July 3, 2014; (3) any claims against defendants Jackson and Williamson based on allegations that Jackson "fabricated a story," which was corroborated by Williamson, to justify his use of force against plaintiff on July 3, 2014; (4) any claim against defendants Morgan, Greene, Cool, Nolan or Williamson based on any of the incidents that form the bases

for plaintiff's claims that have been allowed to proceed against the other named defendants; and (5) plaintiff's conclusory claim that he has "been a target" of harassment ever since he was first placed in state custody and that after an incident that occurred in September 2008, he has "been tortured, set up, sexually assaulted, harassed, and racially profiled." Further, the defendants Morgan, Greene, Cool, Nolan, and Williamson are hereby **DISMISSED** as named Defendants in this action consistent with the Report. Any ruling on Plaintiff's motion for leave to file an amended complaint (Doc. 7) will be made subsequent to this Order by the Magistrate Judge.

IT IS SO ORDERED.

s/Michael R. Barrett
JUDGE MICHAEL R. BARRETT
UNITED STATES DISTRICT COURT