

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

Lial W. Rice,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:15cv172
vs.	:	
	:	Chief Judge Susan J. Dlott
Warden, Pickaway Correctional Institution,	:	
	:	
Defendant(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on April 13, 2015 (Doc. 6), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired April 30, 2015, hereby ADOPTS said Report and Recommendation.

Accordingly, plaintiff’s complaint is **DISMISSED** on the grounds that the complaint fails to state a claim upon which relief may be granted under 42 U.S.C. §1983. See 28 U.S.C. §1915(e)(2)(B).

The Court certifies pursuant to 28 U.S.C. §1915(a) that an appeal of any Order adopting the Report and Recommendation will not be taken in good faith and therefore plaintiff is denied leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the court of Appeals. See *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

IT IS SO ORDERED.

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