

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

WALTER E. PARK, III,
Plaintiff,

Case No. 1:15-cv-182

vs

Barrett, J.
Litkovitz, M.J.

DONALD MORGAN, et al.,
Defendants.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on the *pro se* prisoner-plaintiff's motion for leave to file an amended complaint adding a request for damages as relief based on allegations set forth in the original complaint. (*See* Doc. 8). The amendment to the complaint is allowed in light of the undersigned's previous order issued April 23, 2015 granting plaintiff permission to file an amended complaint. (*See* Doc. 7, p. 1, at PAGEID#: 50).

However, the addition of a request for damages does not change the undersigned's conclusion, as set forth in a prior Report and Recommendation issued April 10, 2015 (*see* Doc. 5), that the complaint is subject to dismissal at the screening stage because it fails to state a claim upon which relief may be granted.

IT IS THEREFORE RECOMMENDED THAT:

1. The plaintiff's complaint (Doc. 4), as amended (Doc. 8), be **DISMISSED** with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).
2. The Court certify pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith and therefore deny plaintiff leave to appeal *in forma pauperis*. *See McGore v. Wrigglesworth*,

114 F.3d 601 (6th Cir. 1997).

Date: 5/20/15

/s/Karen L. Litkovitz
Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

cbc