

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

Anthony J. Denoma,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:15cv594
vs.	:	
	:	Judge Susan J. Dlott
Governor John R. Kasich, et al.,	:	
	:	
Defendant(s).	:	

ORDER

This matter 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 and filed with this Court on November 2, 2015 a Report and Recommendation (Doc. 8). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 23) and defendant Gary Mohr filed objections to the Report and Recommendation (Doc. 30).

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 Recommendation should be adopted.

Accordingly, except for the limited official-capacity claim alleged in Count 3 against the Ohio Attorney General and the Ohio Department of Rehabilitation and Correction (ODRC) Director, the complaint portion of plaintiff’s pleading (Doc. 1, at Page ID #29-36) is DISMISSED with prejudice pursuant to 28 U.S.C. §§1915(e)(2)(B) and 1915A(b)(1). The habeas petition portion of plaintiff’s pleading (Doc. 1 at Page ID # 37-67) is DISMISSED

without prejudice to filing a petition or petitions in accordance with requirements set forth in Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. §2254. The Clerk of Court is DIRECTED to provide the plaintiff with a form petition for federal habeas corpus relief.

IT IS SO ORDERED.

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