

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ULIOUS BROOKS,	:	Case No. 1:15-cv-812
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
SERGEANT MIKE DILLOW, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS (Doc. 31)
OF THE UNITED STATES MAGISTRATE JUDGE**

This case 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 filed with this Court, and, on May 5, 2016, submitted a Report and Recommendations (“R&R”). (Doc. 31). No objections were filed.¹

¹ After the submission of the R&R, Plaintiff made a number of filings. (See Docs. 32, 33, 34, 35, 36, 37, 40, 41, 42, 43, 46, and 47). However, these filings are largely unrelated to the sexual harassment claim alleged against Defendant Spradlin, which is the only claim addressed in this R&R. (See generally Doc. 31). To the extent Plaintiff intended these filings to serve as objections to the R&R, they are overruled because they fail to dispute any specific portion of the R&R. Plaintiff states that he is suffering mentally from Defendant Spradlin’s sexual assault. (Doc. 32 at 1). However, for the reasons set forth in the R&R, mental suffering—alone—does not make Plaintiff’s claim actionable. (See Doc. 31 at 5–10). Plaintiff also asks the Court to withdraw his motion for summary judgment with respect to his sexual harassment claim because that claim has been dismissed. (Doc. 42 at 1). Notwithstanding Plaintiff’s misapprehension as to the status of his claim (it is only now dismissed), the Court never received such a motion for summary judgment, and therefore cannot consider it as an objection.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), 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 the R&R (Doc. 31) should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the foregoing reasons:

1. Defendant Spradlin's motion to dismiss Plaintiff's claims against him (Doc. 20) is **GRANTED**; and
2. All claims alleged against Defendant Spradlin are **DISMISSED** with prejudice; only Plaintiff's claims against Defendant Dillow remain pending.

IT IS SO ORDERED.

Date: 7/19/16

s/ Timothy S. Black
Timothy S. Black
United States District Judge