

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

JERONE MCDOUGALD, Plaintiff,	:	Case No. 1:16-cv-317
	:	
	:	Judge Timothy S. Black
vs.	:	
	:	Magistrate Judge Stephanie K.
LINNEA MAHLMAN, <i>et al.</i> ,	:	Bowman
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 118)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and submitted a Report and Recommendation recommending that Plaintiff's motion for leave to appeal *in forma pauperis* be denied. (Doc. 118). Plaintiff filed an objection (Doc. 120) and a supplemental objection (Doc. 124).¹

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

¹ Plaintiff's objections are not well-taken. Plaintiff offers no evidence or authority to rebut the Magistrate Judge's proper conclusion that Plaintiff is prohibited by 28 U.S.C. § 1915(g) from proceeding *in forma pauperis* in this case because three of his prior complaints were dismissed for failure to state a claim upon which relief may be granted, and because he has not established particular facts showing that he is under imminent danger of serious physical injury.

determine that the Report and Recommendation should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendation (Doc. 118) is **ADOPTED**;
2. Plaintiff's objections (Docs. 120, 124) are **OVERRULED**; and
3. Plaintiff's motion for leave to appeal in forma pauperis (Doc. 117) is **DENIED**.
4. Plaintiff is ordered to pay the full \$400.00 filing fee (\$350 filing fee plus \$50 administrative fee) required to commence this action within thirty (30) days. Failure to pay the full \$400.00 filing fee within thirty (30) days will result in the dismissal of this action; and
5. Pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith.

IT IS SO ORDERED.

Date: 2/27/19

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