

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

Wayne Anthony Miller,

Plaintiff(s),

vs.

Lt. Ryan Bowers, et al.,

Defendant(s).

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Case Number: 1:16cv852

Judge Susan J. Dlott

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 Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on September 1, 2016 a Report and Recommendation (Doc. 4). Subsequently, the plaintiff filed objections to such Report and Recommendation on October 19, 2016 (Doc. 6).

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, any claims against Southern Ohio Correctional Facility (“SOCF”) medical person[n]el” or any claim against defendant Raredan for the alleged denial of medical care to plaintiff following an “assault” that occurred on April 25, 2016 is dismissed with prejudice because plaintiff’s allegations fail to state a claim upon which relief may be granted against those individuals. In addition, defendant “SOCF medical person[n]el” are dismissed as a party to this action.

Plaintiff may proceed with claims against defendants Bowers, Eaches and Raredan based on their alleged use of excessive force against plaintiff in an incident that purportedly occurred on April 25, 2016 at SOCF. Plaintiff may also proceed with his cause of action under §1983 against defendant Bowers and Eaches based on their alleged refusal to allow plaintiff to receive medical treatment following that incident.

IT IS SO ORDERED.

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