

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

Jerone McDougald, :
Plaintiff(s), :
vs. : Case Number: 1:16cv900
Jeremy Eaches, et al., : Judge Susan J. Dlott
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 Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on February 6, 2017 a Report and Recommendation (Doc. 9). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 10).

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, plaintiff's supplemental complaint is DISMISSED for failure to state a claim upon which relief may be granted. This matter proceeds on the claims against (1) defendants Eaches and Grooms in their individual capacities to the extent that plaintiff has alleged those two individuals participated in the use of excessive force in the incident that allegedly occurred on May 2, 2016 at the Southern Ohio Correction Facility ("SOCF"); (2) defendants Eaches, Haywood, and Grooms in their individual capacities to the extent that plaintiff has alleged those individuals took actions against him during the May 2, 2016 incident

in retaliation for his having filed lawsuits against their fellow co-workers at SOCF; and (3) defendants Osborne, Combs, Haywood, and “Jane Doe” a nurse in their individual capacities to the extent that plaintiff has alleged those defendants failed to ensure that he was decontaminated and/or received proper medical care after the pepper-spray incident.

IT IS SO ORDERED.

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