

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHRISTOPHER FOSTER, : Case No. 1:16-cv-920
: :
Plaintiff, : Judge Timothy S. Black
: Magistrate Judge Stephanie K. Bowman
vs. : :
: :
STATE OF OHIO, *et al.*, : :
: :
Defendants. : :

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 12)**

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 February 28, 2017, submitted a Report and Recommendation. (Doc. 12). Plaintiff filed objections on April 17, 2017. (Doc. 21).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*

¹ While titled by the Clerk as “objections,” Defendant’s responsive filing (Doc. 21) does not fully oppose the Magistrate Judge’s recommendation that many of the charges in this case be dismissed, stating that “at this time the Plaintiff must concur with the Magistrate on the majority of the Report and Recommendations (Doc. #12) that the conclusion of allegations therein are at this time devoid of further enhancement at this time and should be dismissed.” (Doc. 21, at 2). However, the filing goes on to continue to discuss claims that the Magistrate Judge recommended be dismissed, without articulating why the Magistrate Judge’s recommendations were without merit. Accordingly, this Court overrules the objections and adopts the Report and Recommendation in full.

all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety. Accordingly, **IT IS ORDERED** that all of the claims contained in the complaint shall be dismissed excepting the following:

- (1) Eighth Amendment excessive force claims against defendants Rardin, Southworth, Neff, Parish, John Doe, and Workman based on plaintiff's allegation that these officers attacked him upon his arrival to SOCF;
- (2) excessive force claim against Sgt. Bear based on the January 17, 2017 attack;
- (3) deliberate indifference claim against Dr. Ahmed Fiscal;
- (4) conditions of confinement claims at SOCF, including plaintiff's claims regarding wheelchair accessibility, against defendants Warden Erdos, Dyer, and Bear.

IT IS SO ORDERED.

Date: 4/18/17

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