

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARK VARLEY, *et al.*, : Case No. 1:16-cv-1016
Plaintiffs, : Judge Timothy S. Black
vs. : Magistrate Judge Stephanie K. Bowman
NICHOLAS EDWARD SARKY, :
Defendant. :

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 4)**

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 December 2, 2016, submitted a Report and Recommendations. (Doc. 4). No objections were filed.

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 such Report and Recommendations should be and is hereby adopted in its entirety.

Accordingly:

1. Plaintiff Myra Varley's application to proceed *in forma pauperis* is **DENIED** and the conditional grant of Plaintiff Mark Varley's application to proceed *in forma pauperis* (Doc. 2) is **REVOKE**D and **DENIED**;

2. Plaintiffs' complaint (Doc. 3) is **DISMISSED** for failure to pay the requisite filing fee, failure to timely submit a properly completed application to proceed *in forma pauperis*, lack of jurisdiction, and failure to prosecute; and
3. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 1/3/2017

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