

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| DAMON JOHNSON, | : | Case No. 1:16-cv-1020 |
| | : | |
| Plaintiff, | : | Judge Timothy S. Black |
| | : | Magistrate Judge Karen L. Litkovitz |
| vs. | : | |
| | : | |
| HENDERSON, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 44)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on February 2, 2018, submitted a Report and Recommendations. (Doc. 44). No objections were filed.¹

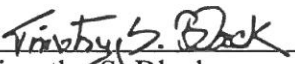
As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety. Accordingly, **IT IS ORDERED** as follows:

¹ In lieu of filing objections, Plaintiff filed an appeal of the Report and Recommendation to the Sixth Circuit Court of Appeals. (Doc. 45). That appeal was dismissed on April 9, 2018. In dismissing the appeal, the Sixth Circuit panel reviewing the case held that “[u]nless the magistrate judge is given plenary jurisdiction pursuant to 28 U.S.C. § 636(c)(1), any review of a magistrate judge’s ruling lies with the district court judge.” (Doc. 47, at 1). To date, Plaintiff has not filed any substantive objections to the Report and Recommendation before this Court.

- 1) Plaintiff's motion for summary judgment (Doc. 20) is **DENIED**;
- 2) Defendant's motion for summary judgment (Doc. 31) is **GRANTED**;
- 3) The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore Plaintiff is denied leave to appeal *in forma pauperis*.
- 4) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** in this Court,

IT IS SO ORDERED.

Date: 5/17/18



Timothy S. Black
United States District Judge