

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Terry Tyrone Pullen, Jr.,

Plaintiff,

v.

Case No. 1:17cv255

Correctional Officer
Mr. Combs, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on August 21, 2017 (Doc. 7).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 7) of the Magistrate Judge is hereby **ADOPTED**. The Complaint (Doc. 6) is dismissed with prejudice consistent with the recommendation by the Magistrate Judge. This matter shall proceed with the following claims: Eighth Amendment claim for the use of excessive force against defendant Combs; plaintiff's excessive force claims against Ms. Felts, Sgt. Felts, and Sgt. Bear; his excessive force claim against Sgt. Felts and C/O Shaw; his claim that Sgt. Felts, Oppie, Bailey, Shaw and Haywood violated his Eighth Amendment rights; his failure to protect claim against Shaw and Clere; and his claim that defendants

Hill, Hart and Jane Doe allegedly denied him medical care.

IT IS SO ORDERED.

s/Michael R. Barrett

Michael R. Barrett
United States District Judge