

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DAYMOND HAYWOOD,	:	Case No. 1:17-cv-398
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
NICHOLAS GIFFORD, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 11)**

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 Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and on October 4, 2017, submitted a Report and Recommendation. (Doc. 11). 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 Recommendation should be and is hereby adopted in its entirety.

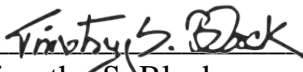
Accordingly:

1. The Report and Recommendation (Doc. 11) is **ADOPTED** in its entirety;

2. With the exception of Plaintiff's Eighth Amendment claim against Defendant Gifford in his individual capacity, all of Plaintiff's claims are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1); and
3. Plaintiff may proceed only with his Eighth Amendment claim against Defendant Gifford in his individual capacity.

IT IS SO ORDERED.

Date: 11/21/17



Timothy S. Black
United States District Judge