Burton v. Kirby et al Doc. 5

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Gerald Burton,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:17cv767
vs.	:	
	:	Chief Judge Susan J. Dlott
Joseph W. Kirby, et al.,	:	
	:	
Defendant(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on November 11, 2017(Doc. 2), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired November 29, 2017, hereby ADOPTS said Report and Recommendation.

Accordingly, plaintiff's complaint is DISMISSED with prejudice.

The Court certifies pursuant to 28 U.S.C. §1915(a) that an appeal of any Order adopting the Report and Recommendation will not be taken in good faith, therefore, denying plaintiff leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider,* 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Service*., 105 F.3d 274, 277 (6th Cir.).

IT IS SO ORDERED.

Susan J. Dlott

Judge Susan J. Dlott
United States District Court

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