

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

JAMES DONALD MIMMS, Plaintiff,	:	Case No. 1:18-cv-185
	:	
	:	Judge Timothy S. Black
vs.	:	
	:	Magistrate Judge Karen L. Litkovitz
LINCOLN WARE, <i>et al.</i> ,	:	
Defendants.	:	

**DECISION AND ENTRY  
ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 4)  
AND TERMINATING THIS CASE IN THIS COURT**

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 March 19, 2018, submitted a Report and Recommendation. (Doc. 4). Plaintiff filed timely objections (“Objections”). (Doc. 5).<sup>1</sup>

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**

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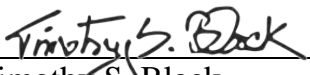
<sup>1</sup> The Objections repeat Plaintiff’s argument that he was disrespected on Defendants’ radio show, but does not address the Magistrate Judge’s (correct) conclusion that this action should be dismissed due to lack of diversity jurisdiction, lack of federal question jurisdiction, and because the Complaint fails to state a claim upon which relief may be granted.

in its entirety. Accordingly:

1. The Report and Recommendation (Doc. 4) is **ADOPTED**;
2. Plaintiff's Complaint is **DISMISSED** with prejudice;
3. Pursuant to 28 U.S.C. § 1915(a), an appeal of this Order would not be taken in good faith. Accordingly, Plaintiff is denied leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals; and
4. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

**IT IS SO ORDERED.**

Date: 5/21/18

  
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Timothy S. Black  
United States District Judge