

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

Lawrence R. Burfitt, II

Plaintiff,

v.

Case No. 1:18cv260

C/O M. Erving, *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 May 3, 2018 (Doc. 8).

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. 8) of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's excessive-force claims against defendants Erving, Ruckel, Parish, Esaum, Broughton, Sparks, and Warren and plaintiff's failure-to-protect claims against defendant Nolan shall remain pending. Plaintiff's Motions for Preliminary Injunction (Doc. 5, 6) are **DENIED**.

Any request for certificate of appealability or request to certify an appeal would not be taken in good faith and would be denied.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett
United States District Judge