

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

CARNELL SMITH, on behalf of himself	:	Case No. 1:18-cv-464
and all others similarly situated,	:	
	:	Judge Timothy S. Black
Plaintiff,	:	Magistrate Judge Stephanie K. Bowman
	:	
vs.	:	
	:	
FIFTH THIRD BANK,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY  
ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 54)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on September 25, 2018, submitted a Report and Recommendation. (Doc. 54). 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 the Report and Recommendation should be and is hereby **ADOPTED** in its entirety.

Accordingly, because Plaintiff’s amended complaint (Doc. 52) renders moot Defendant’s pending motion, Defendant’s motion to dismiss (Doc. 22) is **DENIED as moot**.

**IT IS SO ORDERED.**

Date: 10/10/2018

/s/ Timothy S. Black  
Timothy S. Black  
United States District Judge