

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

CHRISTOPHER M. MAGEE,	:	Case No. 1:21-cv-22
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
UNION TOWNSHIP POLICE	:	
DEPARTMENT, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 10)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. 28 U.S.C. § 636(b). Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on March 18, 2021, submitted a Report and Recommendation. (Doc. 10). No objections were filed, and the time for filing objections has expired.¹

The Court has reviewed the Report and Recommendation, is satisfied that there is nothing clearly erroneous or contrary to law on the face of the record, and accepts the Magistrate Judge’s recommendation. Fed. R. Civ. P. 72.

Accordingly:

1. The Report and Recommendation (Doc 10) is hereby **ADOPTED**; and

¹ On April 30, 2021, Plaintiff filed an Amended Civil Cover Sheet. (Doc. 14). The cover sheet does not include the Union Township Police Department or Ofc K-9 Havok, tending to show that Plaintiff does not oppose the Magistrate Judge’s Report and Recommendation.

2. The complaint is **DISMISSED with prejudice** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1), with the exception of plaintiff's excessive force claims against defendants Holden, Torok, Joehnk, and Disbennett.
3. Defendants Union Township Police Department and Ofc K-9 Havok are terminated from this action.
4. Plaintiff's motion to be excused (Doc. 8) and Defendants' motion to dismiss (Doc. 16) remain pending.

IT IS SO ORDERED.

Date: 8/31/2021

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