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

Rico Isaih Hairston,	:	Case No. 1:22-cv-104
	:	
Plaintiff,	:	Judge Susan J. Dlott
	:	
v.	:	Order Adopting Report and
	:	Recommendation and Denying Motion
Frelon Sparks, *et al.*,	:	for Sanctions
	:	
Defendants.	:	

This matter is before the Court on the Order and Report and Recommendation entered by Magistrate Judge Peter B. Silvain, Jr. on January 31, 2025. (Doc. 180.) The Magistrate Judge recommended that the Court deny Plaintiff's Motion for Sanctions against Defendants and Attorney Chadd McKitrick. (Docs. 154, 180.) Hairston filed an Objection to the Report and Recommendation. (Doc. 182.)

Title 28 U.S.C § 636(b)(1)(B) & (C) and Federal Rule of Civil Procedure Rule 72(b)(1) authorize magistrate judges to make recommendations concerning dispositive motions and prisoner petitions challenging conditions of confinement. Parties then have fourteen days to make file and serve specific written objections to the report and recommendation. 28 U.S.C. 636(b)(1); Fed. R. Civ. P. 72(b)(2). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1) (substantially similar).

The Court agrees with the well-reasoned Report and Recommendation. Neither the

evidence nor the arguments support Plaintiff's request for sanctions. Plaintiff has not proved that he complied with the safe harbor provision of Federal Rule of Civil Procedure 11(c)(2) before filing the Motion for Sanctions. Further, he has not proved that Attorney McKitrick committed perjury. Finally, Defendants complied with the Court's instruction in making redactions for the Protective Control Assessment. (Doc. 153-1 at PageID 1323–1328.) The Report and Recommendation (Doc. 180) is **ADOPTED**, and Plaintiff's Motion for Sanctions (Doc. 154) is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:

S/Susan J. Dlott
Susan J. Dlott
United States District Judge