

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, <i>et al.</i> , | : | for Summary Judgment Without      |
|                                | : | Prejudice to Renew                |
| Defendants.                    | : |                                   |

This matter is before the Court on the Report and Recommendation entered by Magistrate Judge Peter B. Silvain, Jr. on January 31, 2025. (Doc. 181.) The Magistrate Judge recommended that the Court deny Plaintiff’s Motion for Summary Judgment without prejudice to renew because discovery is outstanding. (Docs. 160, 181.) The Magistrate Judge will set a new deadline for dispositive motions after discovery is complete. Plaintiff 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. The Report and Recommendation (Doc. 181) is **ADOPTED**, and Plaintiff's Motion for Summary Judgment (Doc. 160) is **DENIED WITHOUT PREJUDICE TO RENEW**.

**IT IS SO ORDERED.**

BY THE COURT:

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