

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

DALE ECKSTEIN, : Case No. 1:22cv219
Plaintiff, :
vs. : Judge Matthew W. McFarland
THOMAS BRAME, et al., : Magistrate Judge Stephanie K. Bowman
Defendants. :

**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 4) AND
TERMINATING CASE**

The Court has reviewed the Report and Recommendation of Magistrate Judge Stephanie K. Bowman (Doc. 4), to whom this case is referred pursuant to 28 U.S.C. § 636(b). Plaintiff filed a document this Court will construe as an objection (Doc. 5). As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon review, the Court finds that Plaintiff's objections are not well-taken and are accordingly **OVERRULED**. The Court **ADOPTS** the Report and Recommendation (Doc. 4) in its entirety. Accordingly, the Court orders as follows:

1. This matter is hereby **REMANDED** to the Hamilton County, Ohio Municipal Court.
2. The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a) that, for the reasons expressed in the Report, an appeal of this Order adopting the Report would

not be taken in good faith, and therefore DENIES plaintiffs leave to appeal *in forma pauperis*. See *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997), overruled on other grounds, *Jones v. Bock*, 549 U.S. 199, 203 (2007). Plaintiffs remain free to apply to proceed *in forma pauperis* in the Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

3. This action is hereby TERMINATED on the Court's docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 

JUDGE MATTHEW W. MCFARLAND