

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

MOURICE NEAL EL,	:	No. 22-cv-394
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
vs.	:	
	:	
SARAH VALASK, <i>et al.</i> ,	:	
	:	
	:	
	:	
Defendants.	:	

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 4)


This action is before the Court upon the Report and Recommendation (the "Report") (Doc. 4) of United States Magistrate Judge Stephanie K. Bowman, to whom this case is referred pursuant to 28 U.S.C. § 636(b). In the Report, Magistrate Judge Bowman recommends that Plaintiff's Complaint (Doc. 1) be dismissed with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B), for failure to state a claim and because the State of Ohio is entitled to immunity under the Eleventh Amendment. Plaintiff submitted timely objections (Doc. 5) Thus, the matter is ripe for the Court's review.

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 said review, the Court finds that Plaintiff's Objections are not well-taken and are accordingly **OVERRULED**. Thus, the Court **ADOPTS** Magistrate Judge Bowman's Report and Recommendation (Doc. 4) in its entirety and **ORDERS** the following:

- (1) Plaintiff's Complaint (Doc. 1) is **DISMISSED with prejudice** for failure to state a claim and because the State of Ohio is entitled to immunity under the Eleventh Amendment;
- (2) The Court **CERTIFIES** that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this decision could not be taken in good faith;
- (3) Plaintiff's Motion for Default Judgment is **DENIED as moot**; and
- (4) This case is **TERMINATED** from the Court's docket.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
MATTHEW W. McFARLAND
UNITED STATES DISTRICT JUDGE