UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

JUDGMENT IN A CIVIL CASE

KEVIN BEAN,

Petitioner,

CASE NO. 2:08-cv-00471 JUDGE MARBLEY MAGISTRATE JUDGE KEMP

v.

WARDEN, ROSS CORRECTIONAL INSTITUTION,

Respondent.

[] **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

[] **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

[X] **Decision by Court.** This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the December 3, 2009 Opinion and Order, the Court ADOPTS AND AFFIRMS the Report and Recommendation. This action is hereby DISMISSED.

Date: December 3, 2009 James Bonini, Clerk

s/Betty L. Clark

Betty L. Clark/Deputy Clerk