

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

CHARLES Y. WALKER,

Plaintiff,

vs.

Civil Action 2:08-CV-523  
Judge Smith  
Magistrate Judge King

RONALD J. O'BRIEN, Franklin  
County Prosecutor, et al.,

Defendants.

ORDER

On February 13, 2009, the Magistrate Judge issued a *Report and Recommendation* recommending that the motion to dismiss of defendant Ohio Department of Rehabilitation and Correction ("ODRC"), Doc. No. 10, be denied and ordering that plaintiff and defendant ODRC address, within 30 days of the *Report and Recommendation*, this Court's jurisdiction to entertain plaintiff's claims against this defendant. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The Report and Recommendation is **ADOPTED and AFFIRMED**. The motion to dismiss filed on behalf of ODRC, Doc. No. 10, is **DENIED**. Plaintiff and defendant ODRC are **ORDERED** to address, within 30 days of the *Report and Recommendation*, this Court's jurisdiction to entertain plaintiff's claims against this defendant.

IT IS SO ORDERED.

March 12, 2009

/s/ George C. Smith  
George C. Smith  
United States District Judge