

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

SHERMAN SMALLWOOD,

Plaintiff,

vs.

Civil Action 2:08-CV-679
Judge Sargus
Magistrate Judge King

TERRY COLLINS, Director, Ohio
Department of Rehabilitation
and Corrections, et al.,

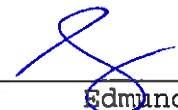
Defendants.

ORDER

On December 2, 2008, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the motion to dismiss, Doc. No. 8, be denied without prejudice to renewal should plaintiff not effect proper service of process, consistent with S.D. Ohio Civ. R. 4.2, within 30 days of the date of this Order. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The motion to dismiss is hereby **DENIED** without prejudice to renewal consistent with S.D. Ohio Civ. R. 4.2.

Date

 1-13-2009

Edmund A. Sargus, Jr.
United States District Judge