

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JERRY DOYLE,**

**Plaintiff,**

vs.

**Civil Action 2:08-cv-00761**

**Judge Algenon L. Marbley**

**Magistrate Judge E. A. Preston Deavers**

**JUDGE WILLIAM POLLITT, et al.,**

**Defendants.**

**ORDER**

This matter is before the Court for consideration of the May 25, 2010, Report and Recommendation of the Magistrate Judge (Doc. 34). The Magistrate Judge recommended that the Court grant Defendant Don Brown and the Franklin County Board of Commissioners' Motion to Dismiss (Doc. 28) and dismiss Plaintiff's causes of action against Defendants Don Brown, Marilyn Brown, Mary Jo Kilroy, and Paula Brooks with prejudice.

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation, Doc. 34 at 6-7). On June 28, 2010, the Court granted Plaintiff a fourteen day extension to respond to the Report and Recommendation. (Doc. 38.) On July 16, 2010, the Court granted Plaintiff an additional extension until July 30, 2010 to object to the Report and Recommendation. The extension order clearly stated that the Plaintiff must file any objections no later than July 30,

2010. (Doc. 40 at 2.) Plaintiff attempted to file an objection to the Report and Recommendation on August 4, 2010.

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). The Court finds that Plaintiff had adequate opportunity to file an objection to the Report and Recommendation and failed to do so in a timely matter. Moreover, a review of the objection reveals that Plaintiff has raised no new bases for his position and has, in fact, merely “cut-and-pasted” from previously filed memoranda to support his claim. Accordingly, noting that no objections were filed before the time for filing such objections expired, and finding no error, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, the Court **DISMISSES** Plaintiff’s causes of action against Defendants Don Brown, Marilyn Brown, Mary Jo Kilroy, and Paula Brooks with prejudice. Plaintiff’s purported Objection to the Report and Recommendation (Doc. 42) is **STRICKEN** as moot.

The Clerk is **DIRECTED** to remove Documents 28, 34, and 42 from the pending motions list and remove this case from the Court’s pending case list.

**IT IS SO ORDERED.**

s/Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**