

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

Wes Blevins,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:08-cv-1113
	:	
County of Franklin, Ohio,	:	
et al.,	:	JUDGE SARGUS
	:	
Defendants.	:	

REPORT AND RECOMMENDATION

Two of the defendants, the County of Franklin and the Franklin County Board of Commissioners, have filed a motion to dismiss. They argue that the former entity is not subject to suit and the latter cannot be held liable for plaintiff’s claims under what appears to be a *respondeat superior* theory. Plaintiff’s time for responding to the motion has passed but he has not responded. The Court concludes that he does not oppose the dismissal of these two parties. Therefore, it is recommended that their motion to dismiss (#6) be granted.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within ten (10) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings

or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

/s/ Terence P. Kemp
United States Magistrate Judge