

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

VINCENT VARNEY,

Plaintiff,

v.

TERRY COLLINS,

Defendant.

Case No. 2:09-cv-576

**JUDGE GREGORY L. FROST
Magistrate Judge Mark R. Abel**

ORDER

This matter is before the Court pursuant to the April 1, 2010 Report and Recommendation of the Magistrate Judge (Doc. #17) recommending the denial of the December 17, 2009 motion of Defendant Terry Collins for judgment on the pleadings (Doc. #10). No party has filed objections to this report and recommendation, and Defendants have subsequently moved for summary judgment. Accordingly, upon *de novo* review, this Court **ADOPTS** the Report and Recommendation (Doc. #17) and **DENIES** Defendant Terry Collins' motion for judgment on the pleadings (Doc. #10).

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE