

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

CRAIG MICHAEL KIRK,

Plaintiff,

v.

Civil Action 2:09-cv-00583

Judge James L. Graham

Magistrate Judge E. A. Preston Deavers

MUSKINGUM COUNTY OHIO, et al.,

Defendants.

ORDER

This matter is before the Court for consideration of the April 19, 2011 Report and Recommendation of the Magistrate Judge. (ECF No. 101.) The Magistrate Judge recommended that the Court deny the Motion for Summary Judgment by Defendants Matt Lutz, Robert Stephenson, Shawn Brady, Brad Shawger, John Winters, and John Lane as moot in light of her grant of a service extension to Plaintiff. The Magistrate Judge further recommended that the Court grant the Motion for Summary Judgment of Defendants Village of Frazeytsburg and Officer Jay Schilling and enter judgment in favor of Defendants Village of Frazeytsburg and Officer Jay Schilling.

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 & Recommendation 19, ECF No. 101.) The time period for filing objections to the Report and Recommendation has expired. No

party has objected to the Report and Recommendation.

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). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, the Court **DENIES** the Motion for Summary Judgment by Defendants Matt Lutz, Robert Stephenson, Shawn Brady, Brad Shawger, John Winters, and John Lane (ECF No. 91) as moot. Furthermore, the Court **GRANTS** the Motion for Summary Judgment of Defendants Village of Frazeyburg and Officer Jay Schilling (ECF No. 95), and **ENTERS JUDGMENT** in favor of Defendants Village of Frazeyburg and Officer Jay Schilling.

IT IS SO ORDERED.

S/ James L. Graham
James L. Graham
UNITED STATES DISTRICT COURT

Date: May 16, 2011