

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

YUSUF BROWN,

Plaintiff,

v.

Civil Action 2:10-cv-822

JUDGE GREGORY L. FROST

Magistrate Judge Elizabeth P. Deavers

**WARDEN ROSS CORRECTIONAL
INSTITUTION, et al.,**

Defendants.

ORDER

This matter is before the Court for consideration of the United States Magistrate Judge's August 15, 2012 Report and Recommendation. (ECF No. 152.) The Magistrate Judge recommended that the Court deny Plaintiff's Motion for Partial Summary Judgment and Grant Defendants' Cross-Motion for Summary Judgment.

The Report and Recommendation specifically advises Plaintiff 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 37, ECF No. 152.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation. Accordingly, the Court **DENIES** Plaintiff's Motion for Partial Summary Judgment (ECF No. 114) and **GRANTS** Defendants' Cross-Motion for Summary

Judgment. Consistent with the Magistrate Judge's Report and Recommendation, the Court **DIRECTS** the Clerk to enter judgment in Defendants' favor with regards to Plaintiff's equal protection claim against Defendant Warden Jeffreys; his retaliation claims against Defendants Captain Posey and Lieutenant Lunsford concerning their filing of a false conduct report resulting in his placement in segregation on September 17, 2010; and his retaliation claims against Defendant Jeffreys relating to his transfer threats. The remainder of Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust his intra-prison administrative remedies under the Prison Litigation Reform Act before first presenting them to this Court.

IT IS SO ORDERED.

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