

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

**RICHARD L. QUINN, JR.,**

**Plaintiff,**

v.

**Civil Action 2:11-cv-00268**

**Judge James L. Graham**

**Magistrate Judge Elizabeth P. Deavers**

**ROBIN KNAB, WARDEN,**

**Defendant.**

**ORDER**

This matter is before the Court for consideration of the June 28, 2012 Report and Recommendation of the United States Magistrate Judge Elizabeth A. Preston Deavers. (ECF No. 39.) The Magistrate Judge recommended that the Court grant in part and deny in part Defendants' Motion for Judgment on the Pleadings and further recommended that to the extent Plaintiff seeks to assert a retaliation claim, that it be dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and that Mr. Free be dismissed as a Defendant.

The Report and Recommendation specifically advises the 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 16, ECF No. 39.) The time period for filing objections to the Report and Recommendation has expired. The parties have 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. (ECF No. 39.) Accordingly, the Defendants' Motion for Judgment on the Pleadings (ECF No. 38) is **GRANTED IN PART AND DENIED IN PART**. The defendants are granted judgment on the pleadings on Plaintiff's equal protection claim. The motion is denied as to Plaintiff's Religious Land Use and Institutionalized Persons Act and 42 U.S.C. § 1983 First Amendment claims, and he may proceed on those claims. To the extent Plaintiff seeks to assert a retaliation claim, that claim is **DISMISSED** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and Mr. Free is **DISMISSED** as a Defendant in this action.

**IT IS SO ORDERED.**

S/ James L. Graham \_\_\_\_\_  
James L. Graham  
United States District Judge

Date: July 27, 2012