

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

AARON D. YOUNKER,

Plaintiff,

v.

Civil Action 2:11-cv-00749

JUDGE GREGORY L. FROST

Magistrate Judge E.A. Preston Deavers

**OHIO STATE UNIVERSITY MEDICAL
CENTER, et al.,**

Defendants.

ORDER

This matter is before the Court for consideration of the September 29, 2011 Order and Report and Recommendation of the Magistrate Judge. (ECF No. 6.) Pursuant to an initial screen of Plaintiff's Complaint the Magistrate Judge recommended that the Court dismiss Plaintiff's claims against Defendants The Ohio State University Medical Center, Paul R. Beery, and the Manufacturer of the Poriex ProGrip Mesh without prejudice.¹

The Order and Report and Recommendation of the Magistrate Judge specifically advised the parties that failure to object to the Report and Recommendation within fourteen days 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." (Order & Report & Recommendation 7, ECF No. 6.) The time period for filing objections to the Report and Recommendation has expired. No party has

¹ The Magistrate Judge permitted Plaintiff to proceed on his claim for deliberate indifference to his serious medical needs against Defendant Stuart Hudson. The record reflects that Defendant Hudson was served on October 7, 2011.

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, Plaintiff's claims against Defendants The Ohio State University Medical Center, Paul R. Beery, and the Manufacturer of the Poriex ProGrip Mesh are **DISMISSED** without prejudice. The Clerk is **DIRECTED** to terminate these Defendants from this action.

IT IS SO ORDERED.

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