

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CARDIONAL ANNA VINES CARTER,

Plaintiff,

v.

Civil Action 2:12-cv-789
Judge Algenon L. Marbley
Magistrate Judge Elizabeth P. Deavers

MORRIS, *et al.*,

Defendants.

ORDER

This matter is before the Court for consideration of the October 25, 2012 Report and Recommendation of the Magistrate Judge. (ECF No. 4.) The Magistrate Judge recommended dismissal of Plaintiff's Complaint for failure to state a claim upon which relief may be granted. (*Id.* at 5.) In her Report and Recommendation, the Magistrate Judge specifically informed the parties that "the failure to object to the Report and Recommendation will result 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." (*Id.*) The Magistrate Judge also specifically informed the parties that "[e]ven when timely objections are filed, appellate review of issues not raised in those objections is waived." (*Id.* at 6 (citing *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007).) "A general objection to a magistrate judge's report, which fails to specify the issues of contention, does not suffice to preserve the issue for appeal" *Robert*, 507 F.3d at 994.

The time period for filing objections to the Report and Recommendation has expired. Although Plaintiff filed a "Notice of Appeal" in which she apparently seeks to appeal from the

Report and Recommendation to the United States Court of Appeals for the Sixth Circuit, she has not objected to the Report and Recommendation. (ECF No. 6.) The Court concludes that Plaintiff's Notice of Appeal does not constitute an objection to the Report and Recommendation because it "fails to specify the issues of contention." *Robert*, 507 F.3d at 994. Indeed, Plaintiff does not even reference the Magistrate Judge's Report at all in her Notice of Appeal, much less set forth the specific issues with which she purportedly disagrees. (ECF No. 6.) Under these circumstances, at most the Court might construe Plaintiff's Notice of Appeal as a general objection to the Report and Recommendation of the Magistrate Judge. As the United States Court of Appeals for the Sixth Circuit has recognized, however, "[a] general objection to the entirety of the magistrate judge's report has the same effects as would a failure to object." *Howard v. Sec'y of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991). Thus, Plaintiff has failed to timely object to the Report and Recommendation of the Magistrate Judge.

The Court has reviewed the Report and Recommendation of the Magistrate Judge. Noting that no objections have been filed and that the time for filing objections has expired, the Court **ADOPTS** the Report and Recommendation. (ECF No. 4.) Accordingly, Plaintiff's Complaint is **DISMISSED** for failure to state a claim upon which relief may be granted. The Clerk is **DIRECTED** to remove this case from the Court's pending case list.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT

DATED: January 17, 2013