

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re MARK A. BROOKS,

Case No.: 2:13-mc-032

Applicant,

JUDGE SMITH

Magistrate Judge Abel

ORDER

On September 30, 2013, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Applicant Mark A. Brooks' Motion for Expungement of his Criminal Record (Doc. 1) be denied without prejudice for lack of subject matter jurisdiction. (*See Report and Recommendation*, Doc. 2). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Applicant's Objection to the Magistrate's Report and Recommendation (Doc. 4). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Applicant's objection presents the same issue presented to and considered by the Magistrate Judge in the *Report and Recommendation*. Applicant asserts that Ohio Revised Code § 2953.32(A)(1) conveys upon the federal courts subject matter jurisdiction for the purpose of expunging state court convictions. However, the Court has reviewed the statute and agrees with the Magistrate Judge's conclusion that the statute does not authorize a federal court to expunge an Ohio conviction. Applicant should apply to the sentencing court for expungement. For the reasons stated in the *Report and Recommendation*, this Court finds that the objection is without merit.

The *Report and Recommendation*, Document 2, is **ADOPTED** and **AFFIRMED**.
Applicant's Motion for Expungement is **DENIED without prejudice for lack of subject matter jurisdiction**.

The Clerk shall remove Documents 1 and 2 from the Court's pending motions list.

The Clerk shall remove this case from the Court's pending cases list.

IT IS SO ORDERED.

/s/ George C. Smith

**GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT**