

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

LOUIS N. LOWE,

Plaintiff,

vs.

Case No.: 2:14-cv-535

JUDGE SMITH

Magistrate Judge Deavers

WARDEN JOHN DOE, et al.,

Defendants.

ORDER

On December 22, 2015, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Motion for Summary Judgment be denied and that Defendants' Motion for Summary Judgment be granted. She further recommended that Plaintiff's claims for declaratory relief be dismissed as moot and his claims for monetary relief be dismissed for failure to state a claim upon which relief may be granted. (*See Report and Recommendation*, Doc. 60). The parties were advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. Plaintiff's Motion for Summary Judgment is hereby **DENIED**. Defendant Lewis's Second Motion for Summary Judgment is hereby **GRANTED**. Plaintiff's claims for declaratory relief are hereby **DISMISSED AS MOOT** and his claims for monetary relief are hereby **DISMISSED** for failure to state a claim upon which relief may be granted.

The Clerk shall remove Documents 50, 52, and 60 from the Court's pending motions list and

terminate this case.

IT IS SO ORDERED.

/s/ George C. Smith

GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT