

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

Francois Abessolo,

Petitioner,

v.

Case NO. 2:14-cv-2168

Todd Smith, et al.,

Respondents.

ORDER

Petitioner filed the instant habeas corpus petition pursuant to 42 U.S.C. §2241, alleging that he was wrongfully detained and subjected to physical assault by Immigration and Customs Enforcement ("ICE") agents. On June 26, 2015, this court entered an order which dismissed petitioner's habeas corpus claim but permitted the action to proceed insofar as it asserted a claim under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) against ICE Agent Todd Smith, the only federal agent named in the petition. This matter is now before the court on the December 10, 2015, report and recommendation of the magistrate judge, recommending that respondent Smith's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim for relief be granted.

The report and recommendation specifically advised the parties that objections to the report and recommendation were due within fourteen days, and 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." Doc. 23, pp. 7-8. The time period for filing objections to the report and recommendation has

expired, and no objections to the report and recommendation have been filed.

Accordingly, the court adopts the report and recommendation (Doc. 23). The motion to dismiss for failure to state a claim (Doc. 21) is granted, and this case is hereby dismissed.

Date: January 6, 2016

s/James L. Graham
James L. Graham
United States District Judge