

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

NATHANIEL A. JACKSON,

Petitioner,

vs.

Civil Action 2:15-cv-313  
Judge Frost  
Magistrate Judge King

CYNTHIA MAUSSER, et al.,

Respondents.

ORDER

On June 26, 2015, the United States Magistrate Judge recommended that respondent's *Motion to Dismiss*, ECF No. 5, be granted. *Report and Recommendation*, ECF No. 12. Specifically, the Magistrate Judge reasoned that, because the claim presented in the *Petition* had not been the subject of a state court petition for a writ of mandamus, the action should be dismissed without prejudice for failure to exhaust petitioner's state court remedies. *Id.* There has been no objection to the *Report and Recommendation*. However, on July 6, 2015, petitioner moved to voluntarily dismiss the action without prejudice so that he may pursue that state court remedy. *Motion for Voluntary Dismissal*, ECF No. 13.

The *Report and Recommendation*, ECF No. 12, is **ADOPTED AND AFFIRMED**. Petitioner's *Motion for Summary Judgment*, ECF No. 10, is **DENIED** and respondent's *Motion to Dismiss*, ECF NO. 5, is **GRANTED**. Petitioner's *Motion for Voluntary Dismissal*, ECF No. 13, is likewise

**GRANTED.**

This action is hereby **DISMISSED** without prejudice for failure to exhaust.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT** in this action.

          /s/          GREGORY L. FROST  
Gregory L. Frost  
United States District Judge