

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

KEITH A. KELLY,

Plaintiff,

vs.

**Case No.: 2:15-cv-815
JUDGE SMITH
Magistrate Judge King**

**OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION,
BUREAU OF RECORDS, OPERATION
SUPPORT CENTER,**

Defendant.

ORDER

On March 26, 2015, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Complaint be dismissed for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. (*See Report and Recommendation*, Doc. 4). 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 Complaint fails to state a claim and Defendant, a state agency, is immune from claims such as this pursuant to the Eleventh Amendment to the United States Constitution. Accordingly, Plaintiff's Complaint is hereby **DISMISSED**.

The Clerk shall remove Document 4 from the Court's pending motions list. The Clerk shall terminate this case.

IT IS SO ORDERED.

/s/ George C. Smith

GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT