

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

Lionel Harris,

Plaintiff,

v.

Case NO. 2:16-cv-888

Aaron Sowers, et al.,

Defendants.

ORDER

This is a civil rights action under 42 U.S.C. §1983 brought by plaintiff, Lionel Harris, an Ohio inmate, against employees of the Madison Correctional Institution. On July 2, 2018, the magistrate judge filed a report and recommendation (Doc. 98) in which she recommended that plaintiff's motion for a preliminary injunction (Doc. 51) be denied. Also on that date, the magistrate judge filed a report and recommendation (Doc. 99) concerning the motion raising qualified immunity as an affirmative defense (Doc. 78) filed by certain defendants. That motion is in essence a motion to dismiss plaintiff's claims on qualified immunity grounds. The magistrate judge noted that defendants relied on evidence outside the pleadings. She recommended that the motion be denied, but that the defendants be permitted to litigate the qualified immunity issue in summary judgment proceedings.

The reports 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. 98, pp. 7; Doc. 99, p. 2. 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 reports and recommendations (Docs. 98 and 99). The motion for a preliminary injunction (Doc. 51) is denied. The motion raising qualified immunity as a defense (Doc. 78) is denied. However, defendants will be permitted to litigate the defense of qualified immunity in the summary judgment proceedings in this case.

Date: August 23, 2018

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