

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

HOWARD BODDIE, JR.,

Plaintiff,

vs.

**Case No.: 2:17-cv-24
JUDGE GEORGE C. SMITH
Magistrate Judge Kemp**

SCOTT J. VAN STEYN,

Defendant.

ORDER

On April 11, 2017, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Motion for Leave to Proceed *in forma pauperis* be granted and that Plaintiff's Complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief may be granted based on the statute of limitations. (*See Report and Recommendation*, Doc. 5). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff Boddie's Objections to the *Report and Recommendation*. (*See* Doc. 6). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present the same issues presented to and considered by the Magistrate Judge in the *Report and Recommendation*. Plaintiff objects to the Magistrate Judge's conclusion that his claims are barred by the statute of limitations and specifically that the Ohio's Savings Statute does not preserve his claims. As Magistrate Judge Kemp explained, the applicable statute of limitations for Plaintiff's claims stemming from the May 2009 actions by Dr. Steyn is two years. He waited until January 2, 2015 to file his action. Because that action was not timely

filed, then the Ohio Savings Statute cannot preserve his claims. For the reasons stated in detail in the *Report and Recommendation* and as set forth above, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Report and Recommendation*, Document 5, is **ADOPTED** and **AFFIRMED**. Plaintiffs' Complaint is hereby **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief may be granted based on the statute of limitations.

The Clerk shall remove Documents 5 and 6 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