

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

**MARK E. HURST,**

**Plaintiff,**

**v.**

**WAYNE MOORE, et al.,**

**Defendants.**

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**Case No. 2:17-CV-686**

**JUDGE ALGENON L. MARBLEY**

**Magistrate Judge Vascura**

**ORDER**

This matter comes before the Court on the Magistrate Judge’s September 12, 2017, **Report and Recommendation** (ECF No. 2), which recommended that Plaintiff’s claims against Defendant Frank D. Hatfield and Defendant Wayne Moore in his official capacity be dismissed under Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief may be granted.

The Report and Recommendation specifically advised the parties that the failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. (*Id.* at 8.) The parties have failed to file any objections, and the deadline for objections (September 26, 2017) has lapsed.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. This claims against Defendant Frank D. Hatfield and Defendant Wayne Moore in his official capacity are hereby **DISMISSED** with prejudice.

**IT IS SO ORDERED.**

s/ Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED: December 12, 2017**