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

ISAAC J. CASTILE, III,

Plaintiff,

vs.

Case No.: 2:18-cv-226
JUDGE GEORGE C. SMITH
Magistrate Judge Jolson

FRANKLIN COUNTY SHERIFF, *et al.*,

Defendants.

ORDER

On March 29, 2018, the United States Magistrate Judge issued an *Order and Initial Screen Report and Recommendation* recommending that Plaintiff's Motion for Leave to Proceed In Forma Pauperis be granted and that Plaintiff's Complaint be dismissed for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A. (*See Report and Recommendation*, Doc. 3).

The parties were advised of their right to object to the *Order and Initial Screen Report and Recommendation.* This matter is now before the Court on Plaintiff's Objections to the *Order and Initial Screen Report and Recommendation*. (*See* Doc. 4). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In his objections, Plaintiff asserts that his claims should not be barred by the statute of limitations based on the Court's inherent authority to right a wrong and the power to award appropriate relief. However, Plaintiff has failed to assert how the Magistrate Judge's conclusions were incorrect. The Court has carefully reviewed this matter and agrees with the findings of the Magistrate Judge. Despite all the legal arguments cited by Plaintiff regarding the

Court's authority, the Court must still abide by the statute of limitations. The Court agrees that Plaintiff's claims regarding events that occurred before March 12, 2016 are time barred.

Additionally, Plaintiff argues that his claims should not be dismissed for failure to state a claim because he is disabled and the tolling provisions apply. He does concede that he cannot get a doctor to independently dispute Defendants' claims that they weren't negligent. The Court agrees with the Magistrate Judge's findings that Plaintiff's allegations are mere disagreements and second guessing the medication professionals judgment and do not set forth a viable Eighth Amendment claim. Therefore, the extent Plaintiff's claims were timely; they are dismissed for failure to state a claim upon which relief may be granted.

Therefore, for the reasons stated above and as set forth in detail in the *Order and Initial Screen Report and Recommendation,* this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The *Order and Initial Screen Report and Recommendation,* Document 3, is **ADOPTED** and **AFFIRMED.** Plaintiff's Complaint is hereby **DISMISSED** for failure to state a claim.

The Clerk shall remove Documents 3 and 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