

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

IZELL BROWN, JR.,

Plaintiff,

vs.

**Case No.: 2:18-cv-569
JUDGE GEORGE C. SMITH
Magistrate Judge Vascura**

FRANCIS T. VENABLE, et al.,

Defendants.

ORDER

On June 11, 2018, the United States Magistrate Judge issued an *Order and Report and Recommendation* recommending that the Plaintiff's Motion for Leave to Proceed in forma Pauperis be granted and that the Court permit Plaintiff to proceed on his excessive force claim against Defendant Venable and to the extent Plaintiff intends to pursue claims against the individuals listed as witnesses, any claims against those individuals be dismissed for failure to state a claim on which relief may be granted. (See *Order and Report and Recommendation*, Doc. 4). The parties were advised of their right to object to the *Order and Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Order and Report and Recommendation and Order*. (See Doc. 5). The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

In Plaintiff's objections, he further explains that the other five individuals named are merely witnesses and requests subpoenas be served on them. Also, in his objections, Plaintiff requests a temporary restraining order. However, these requests are not properly before the Court. Therefore, the requests are denied, subject to refiling as a proper motion.

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

The *Order and Report and Recommendation*, Document 4, is **ADOPTED** and **AFFIRMED**. Plaintiff's Motion for Leave to Proceed in forma Pauperis is **GRANTED**. The individuals listed on Plaintiff's Complaint as witnesses are hereby **DISMISSED**. Plaintiff may proceed with his excessive force claim against Defendant Venable.

The Clerk shall remove Documents 4 and 5 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT