Ealy v. O'McCollum et al Doc. 16

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

Larry E. Ealy,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 3:09cv56
vs.	:	
	:	Chief Judge Susan J. Dlott
Judge Alice O'McCullum, et al.,	:	
	:	
Defendant(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Sharon L. Ovington filed on (Doc.11), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired January 2, 2010 , hereby ADOPTS said Report and Recommendation.

Accordingly, plaintiff's motion to proceed *IFP* (Doc. 8) is **DENIED** based on the Court's certification that plaintiff's appeal of the entry (Doc. 3) is untimely, frivolous and not taken in good faith.

IT IS SO ORDERED.

___s/Susan J. Dlott_____
Chief Judge Susan J. Dlott
United States District Court

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