

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

LARRY E. EALY, :
 :
 Plaintiff, : Case No. 3:09cv00056
 :
 vs. : District Judge Thomas M. Rose
 : Magistrate Judge Sharon L. Ovington
 JUDGE ALICE O'McCOLLUM, et al., :
 :
 Defendants. :

DECISION AND ENTRY

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally 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) has expired, hereby adopts said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on February 23, 2009 (Doc. #2) is ADOPTED in full;
2. Plaintiff's Complaint is DISMISSED pursuant to 28 U.S.C. 1915(e)(2)(B);
3. The Court certifies pursuant to 28 U.S.C. §1915(a) that, for the reasons set forth in the Report and Recommendations, an appeal of this Decision would not be taken in good faith, and consequently, leave for Plaintiff to appeal *in forma pauperis* is DENIED. Plaintiff – a non-prisoner – remains free to apply to proceed *in forma pauperis* in the United States Court of Appeals. *See Callihan v. Schneider*, 178 F. 3d 800, 803 (6th Cir. 1999); and

4. The case is terminated on the docket of this Court.

March 16, 2009

***S/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge