

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

THOMAS J. REPLOGLE,
Administrator of the Estate of
Rennie R. Moore, deceased,

Plaintiff,

-vs-

MONTGOMERY COUNTY, OHIO,
THROUGH ITS COUNTY
COMMISSIONERS AND SHERIFF'S
DEPARTMENT, et al.,

Defendants.

: Case No. 3:09-cv-102


: District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

ORDER ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATIONS

The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 19), 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 on June 8, 2009, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Board of County Commissioners of Montgomery County be substituted as a Defendant in this case for "Montgomery County, Ohio, through its County Commissioners and Sheriff's Department" and that the Motion to Dismiss (Doc. No. 5) be otherwise denied.

June 9, 2009.



Walter Herbert Rice
United States District Judge