

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

Richard Wilson,

Plaintiff, : Case No. 3:10-cv-54

- vs -

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

Warden, Montgomery County Jail :

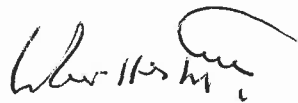
Defendant. :

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #4), 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) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Complaint herein insofar as it seeks money damages against Judge Huffman individually, is DISMISSED with prejudice as barred by judicial immunity; Insofar as it seeks money damages against Judge Huffman in her official capacity, is DISMISSED without prejudice for lack of subject matter jurisdiction under the Eleventh Amendment; and Insofar as it seeks injunctive and declaratory relief, is DISMISSED without prejudice as barred by the abstention doctrine of *Younger v. Harris, supra*.

March __, 2010.



Walter Herbert Rice
United States District Judge