

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

CLAYTON D. GRISBY

Plaintiff,

-v-

PATRICIA L. HARDAWAY, et al.,

Defendants.

Case No. C-3:10-cv-184

Judge Thomas M. Rose

Magistrate Judge Sharon L. Ovington

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**ENTRY AND ORDER OVERRULING GRISBY'S OBJECTIONS (Doc. #19) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #18) IN ITS ENTIRETY; OVERRULING GRISBY'S MOTION FOR A PRELIMINARY INJUNCTION (Doc. 9); OVERRULING GRISBY'S MOTION TO EXECUTE AMENDED COMPLAINT (Doc. #13); GRANTING DEFENDANTS' MOTION FOR A MORE DEFINITE STATEMENT (Doc. #12) AND ORDERING GRISBY TO FILE A SECOND AMENDED COMPLAINT THAT COMPLIES WITH FEDERAL RULES OF CIVIL PROCEDURE 8(a), 9(b) and 10(b) WITHIN THIRTY (30) DAYS OF ENTRY OF THIS ORDER**

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Pro se Plaintiff Clayton D. Grisby ("Grisby") claims that his employer, Defendant Wilberforce University, violated his rights under the Family Medical Leave Act of 2003, the Fourth and Fifth Amendments to the U.S. Constitution and various other provisions of federal law. Grisby has filed a Motion for a Preliminary Injunction (doc. #9) and a Motion To Execute Amended Complaint (doc. # 13). The Defendants have filed a Motion for a More Definite Statement. (Doc. #12.) Magistrate Judge Sharon L. Ovington then issued a Report and Recommendations (doc. #18) regarding all three of these pending motions.

This matter comes now before the Court pursuant to Grisby's Objections (Doc. #19) to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #18) entered on

November 15, 2010. The Defendants have responded to Grisby's objections. (Doc. #20.)

Grisby's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Based upon the reasoning and citations of authority set forth in the Magistrate Judge's Report and Recommendations (doc. #18) and in Grisby's Objections (doc. #19) and the Defendants' Response, as well as upon a thorough de novo review of the record and a thorough review of the applicable law, this Court adopts the aforesaid Report and Recommendations in its entirety. Further, Grisby's Objections are overruled.

Grisby's Motion for a Preliminary Injunction (doc. #9) is overruled. Grisby's Motion To Execute Amended Complaint (doc. #13) is also overruled. Finally, Defendants' Motion for a More Definite Statement is granted. Grisby is given until not later than thirty (30) days following entry of this Order to file a Second Amended Complaint that complies with Federal Rules of Civil Procedure 8(a), 9(b) and 10(b). Failure to do so may result in sanctions up to and including dismissal of the Amended Complaint.

**DONE and ORDERED** in Dayton, Ohio, this Seventeenth Day of December, 2010.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Clayton D. Grisby at his last known address of record