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

OLAKWSESU ELBEY,

Plaintiff, : Case No. 3:11-cv-154

- vs - : District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

DAYTON POLICE OFFICERS, et al., :

Defendants. :

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #7), 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.

It is hereby ORDERED that the complaint is DISMISSED without prejudice for failure to pay the filing fee and this case is TERMINATED on the docket of this Court.

May 31, 2011 *s/THOMAS M. ROSE

Thomas M. Rose United States District Judge