

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

ROBERT LEE NORRIS,

Petitioner,

-v-

Case No. C-3:11-cv-204

Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

**OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION,**

Respondent.

ENTRY AND ORDER OVERRULING NORRIS'S OBJECTIONS (Doc. #12) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS REGARDING NORRIS'S NOTICE OF APPEAL; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #11) IN ITS ENTIRETY AND CERTIFYING THAT NORRIS'S APPEAL IS OBJECTIVELY FRIVOLOUS AND THAT NORRIS SHOULD NOT BE PERMITTED TO PROCEED IN FORMA PAUPERIS

This matter comes before the Court pursuant to pro se Respondent Robert Lee Norris's ("Norris's") Objections (doc. #12) to Magistrate Judge Michael R. Merz's Report and Recommendations (doc. #11) regarding Norris's Notice of Appeal. The time has run and Respondent Ohio Department of Rehabilitation and Correction has not responded. Thus, Norris's Objections are 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. Upon said review, the Court finds that Norris's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Norris's appeal is objectively frivolous. Further, Norris should not be permitted to proceed in forma pauperis.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Eighth Day of December, 2011.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Robert Lee Norris at his last address of record