

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

ROBERT VAUGHN MCDUGALD, :
 :
Plaintiff, : Case No. 3:11cv00361
 :
vs. : District Judge Walter Herbert Rice
 : Magistrate Judge Sharon L. Ovington
MIAMI VALLEY HOSPITAL, et al., :
 :
Defendants. :

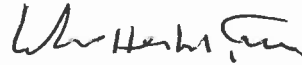
DECISION AND ENTRY

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally 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:

1. The Report and Recommendations filed on October 19, 2011 (Doc. #3) is ADOPTED in full;
2. Plaintiff's Complaint is DISMISSED without prejudice to renewal in state court;
3. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of an Order adopting this Report and Recommendations would not be taken in good faith, and consequently, leave for Plaintiff to appeal *in forma pauperis* is denied; and,

4. The case is terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge