

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

OLUWADAYISI OMOSULE, : Case No. 3:12-cv-101
 :
 Plaintiff, : Judge Timothy S. Black
 : Magistrate Judge Sharon L. Ovington
 vs. :
 :
 INS, *et al.*, :
 :
 Defendants. :

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 4); AND (2) TERMINATING THIS CASE FROM THE DOCKET OF THE
COURT**

This civil action is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Sharon L. Ovington. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on April 10, 2012, submitted a Report and Recommendations. (Doc. 4). Plaintiff filed Objections to the Report and Recommendations on May 16, 2012. (Doc. 6).

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety; and Plaintiff's Objections to the Report and Recommendations are overruled.¹

¹ This Court construes the complaint as a petition for a writ of mandamus, requesting that the Court order the Department of Homeland Security to return Plaintiff's passport. *See* 28 U.S.C. § 1361. As Plaintiff has not shown that he has exhausted his administrative remedies, this Court is without subject matter jurisdiction. *See Omosule v. INS*, 1999 U.S. App. LEXIS 28509, at *2-3 (6th Cir. 1999) ("Upon de novo review, we conclude that the district court properly dismissed the case for lack of subject matter jurisdiction because Omosule did not demonstrate that he had exhausted all avenues of relief.").

Accordingly:

1. Plaintiff's complaint (Doc. 2) is **DISMISSED**;
2. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith; and
3. This case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 5/17/12

Timothy S. Black
Timothy S. Black
United States District Judge