

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

Georgianna I. Parisi,

Plaintiff,

v.

Case No. 3:14-cv-346
Judge Thomas M. Rose

Mathias Heck, Jr., et al.,

Defendants.

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE MERZ (DOC. 39), OVERRULING PLAINTIFF'S OBJECTIONS TO THE MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOC. 42), GRANTING DEFENDANTS' MOTIONS FOR JUDGMENT ON THE PLEADINGS, (DOCS. 22, 28), DENYING PLAINTIFF'S FIRST MOTION TO FILE THIRD AMENDED COMPLAINT, (DOCS. 66, 67, 68), AND TERMINATING CASE.

Pending before the Court is Plaintiff Georgianna I. Parisi's Objection to the Magistrate's Report and Recommendations. (Doc. 42). The Report and Recommendations of United States Magistrate Judge Michael R. Merz, (Doc. 39), recommends that the Court grant Defendants' motions for judgment on the pleadings, (docs. 22, 28) and dismiss the Amended Complaint (Doc. 3) with prejudice. Also pending before the Court is Plaintiff's First Motion for Leave to File Third Amended Complaint, filed as three docket entries to accommodate multiple attachments. (Docs 66, 67, 68).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Plaintiff's

objections, (Docs. 42), to the Magistrate Judge's Report and Recommendations, (Doc. 39), are not well taken and they are hereby **OVERRULED**.

The Court notes that Plaintiff does not address the applicability of *Younger* abstention to her case in her objection. The Court also notes that, while Plaintiff cites repeatedly to 5 U.S.C. § 522, apparently intending 5 U.S.C. § 552, Plaintiff ignores that no entity described in her amended complaint meets the definition of "agency" stated in 5 U.S.C. § 551.

Finally, with regard to Plaintiff's Motion for Leave to File Third Amended Complaint, (Docs. 66, 67, 68), the Court notes that the Magistrate has previously denied a motion by Plaintiff to amend the complaint, finding it untimely. (See doc. 58.) The Court also notes that Plaintiff's proposed Third Amended Complaint does not seek to address the infirmities identified in the Report and Recommendation, but to include an additional similar instance of actions by Defendants that Plaintiff perceives as actionable. For the reasons stated by the Magistrate in Docket Entry 58, this motion will be denied.

Wherefore, the Court **ADOPTS** the Report and Recommendations of United States Magistrate Judge Michael R. Merz, (Doc. 39), **GRANTS** Defendants' motions for judgment on the pleadings, (docs. 22, 28), **DENIES** Plaintiff's Motion for Leave to File Third Amended Complaint, (Docs. 66, 67, 68), and **DISMISSES** the Amended Complaint (Doc. 3) **WITH PREJUDICE**. The Clerk is **ORDERED** to terminate the instant case.

DONE and **ORDERED** this Friday, January 8, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE