

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

Drake A. Edwards,

Plaintiff,

v.

Case No. 3:15-cv-135
Judge Thomas M. Rose

Dayton Police Department, et al.,

Defendants.

**DECISION AND ENTRY ADOPTING REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
OVINGTON (DOC. 4), OVERRULING PETITIONER'S OBJECTIONS TO
THE MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOC. 11),
DISMISSING COMPLAINT WITHOUT PREJUDICE, (DOC. 2), AND
TERMINATING CASE.**

Pending before the Court are Plaintiff Drake A. Edwards's Objections to the Magistrate's Report and Recommendations. (Doc. 11). The Report and Recommendations of United States Magistrate Judge Sharon L. Ovington, (Doc. 4), recommends that, because Edwards's claims do not raise a claim with any rational or arguable basis in fact or law, Plaintiff's Complaint should be dismissed without prejudice for failure to state a claim upon which relief can be granted. The Report and Recommendation further recommends the Court certify that any appeal that could be taken would not be in good faith.

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. 11), to the Magistrate Judge's Report and Recommendations, (Doc. 3), are not

well taken and they are hereby **OVERRULED**. Wherefore, the Court **DISMISSES** the Complaint (Doc. 2) **WITH PREJUDICE**. Because reasonable jurists would not disagree with the Magistrate Judge's recommendation, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore Plaintiff should not be permitted to proceed *in forma pauperis*. The Clerk is **ORDERED** to terminate the instant case.

DONE and **ORDERED** this Thursday, May 12, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE