

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

Anthony Matthews,

*Plaintiff,*

v.

Case No. 3:18-cv-026  
Judge Thomas M. Rose

Dayton Police Department, et al.,

*Defendants.*

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**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE NEWMAN (ECF 35) THAT PRO SE PLAINTIFF'S FEDERAL CLAIMS BE DISMISSED PURSUANT TO 28 U.S.C. § 1915(e)(2)(B); THAT DEFENDANT SANDY'S TOWING AND RECOVERY'S MOTION FOR JUDGMENT ON THE PLEADINGS (ECF 17) BE DENIED AS MOOT; THAT THE COURT DECLINE TO EXERCISE SUPPLEMENTAL JURISDICTION OVER PRO SE PLAINTIFF'S STATE LAW CLAIMS; AND THAT THIS CASE BE TERMINATED ON THE COURT'S DOCKET. THE COURT ADDITIONALLY FINDS MOOT PLAINTIFF'S MOTION FOR A WRIT OF MANDAMUS. (ECF 37).**

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Pending before the Court is a Report and Recommendations of United States Magistrate Judge Michael J. Newman, (ECF 35), that recommends that *pro se* Plaintiff's federal claims be dismissed *sua sponte* under 28 U.S.C. § 1915(e) for failure to state a claim; that Defendant Sandy's Motion for Judgment on the Pleadings (ECF 17) be denied as moot; and that the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claims.

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 the Report and Recommendation is correct. Wherefore, the Court **ADOPTS** Report and Recommendations of United States Magistrate Judge Michael J. Newman, (ECF 35), and **DISMISSES** *pro se* Plaintiff's federal claims *sua sponte* under 28 U.S.C. § 1915(e) for failure to state a claim; **DENIES AS MOOT** Defendant Sandy's Motion for Judgment on the Pleadings (ECF 17) and Plaintiff's Motion for Writ of Mandamus (ECF 37); **DECLINES** to exercise supplemental jurisdiction over Plaintiff's state law claims; and **TERMINATES** this case on the of the District Court of the United States for the Southern District of Ohio, Western Division at Dayton.

**DONE** and **ORDERED** this Wednesday, October 3, 2018.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE