

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Dwight D. Clark,

Plaintiff,

v.

Case No. 2:16-cv-382

Franklin County Court of  
Common Pleas, et al.,

Defendants.

ORDER

Plaintiff, an Ohio inmate, brings this action against the Court of Common Pleas of Franklin County, Ohio, Franklin County Prosecutor Ron O'Brien, and Laura R. Swisher, a state prosecutor. Plaintiff seeks money damages for wrongful imprisonment, allegedly attributable to the decision of the common pleas court to deny him jail-time credit. On May 20, 2016, the magistrate judge filed a report and recommendation on the initial screen of plaintiff's complaint pursuant to 28 U.S.C. §1915A, which requires the court, "in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity," to dismiss a complaint that fails to state a claim upon which relief may be granted. 28 U.S.C. §1915A(a)-(b)(1). The magistrate judge concluded that plaintiff's complaint fails to state a claim for which relief could be granted and recommended that the action be dismissed.

The report and recommendation specifically advised the parties that the failure to object to the report and recommendation within fourteen days "will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the

judgment of the District Court." Doc. 2, p. 9. The time period for filing objections to the report and recommendation has expired, and no objections have been filed.

The court has reviewed the report and recommendation, and agrees with the recommendation of the magistrate judge. The report and recommendation (Doc. 2) is adopted. This action is hereby dismissed pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) for failure to state a claim for which relief may be granted. The clerk shall enter judgement dismissing this case.

Date: June 17, 2016

\_\_\_\_\_s/James L. Graham  
James L. Graham  
United States District Judge