

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANTHONY LUKE, et al.,	:	CASE NO. 1:02CV1225
	:	
Plaintiffs,	:	
	:	
vs.	:	OPINION AND ORDER
	:	[Resolving Doc. Nos. 115, 339]
CITY OF CLEVELAND, et al.,	:	
	:	
Defendants.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Before the Court is the Magistrate Judge's Report and Recommendation [Doc. 339] on the Motion for Sanctions of Defendants Gerald Barrett and Barrett & Associates, Inc. [Doc. 115]. The defendants seek sanctions under Rule 11 because, they argue, the plaintiffs' claims against them are frivolous. The plaintiffs oppose the motion [Doc. 329], and the defendants have replied. [Doc. 338]. The Court referred the defendants' motion to Magistrate Judge Patricia Hemann for a Report and Recommendation. [Doc. 207]. After conducting a thorough analysis of the defendants' motion, on September 23, 2005, Magistrate Judge Hemann recommended that this Court deny the defendants' motion. Neither party objects to the Magistrate Judge's recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of the Report to which an objection has been made. 28 U.S.C. § 636(b)(1). Having conducted its own review of the parties' briefs on the issue, this Court agrees with the conclusions of the Magistrate

Case No. 1:02CV1225
Gwin, J.

Judge, and adopts the Report and Recommendation as its own.

Therefore, the Court adopts in whole Magistrate Judge Hemann's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court DENIES the defendants' motion for sanctions.

Conclusion

For the reasons discussed above, the Court DENIES the defendants' motion for sanctions. [Doc. 115].

IT IS SO ORDERED.

Dated: October 12, 2005

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE