

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION AT DAYTON**

Dustin M. Kinnett v. State of Ohio et al.

Kinnett · No. 3:25-cv-248 · Decided February 2, 2026

OPINION

SOUTHERN DISTRICT OF OHIO WESTERN DIVISION AT DAYTON DUSTIN M. KINNETT,; Case No. 3:25-cv-248 Plaintiff,; District Judge Thomas M. Rose vs.: Magistrate Judge Caroline H. Gentry STATE OF OHIO et al.,; Defendants.: ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION TO DENY IN FORMA PAUPERIS STATUS AND ORDER PLAINTIFF TO PAY THE FILING COSTS (DOC. NO. 7) Currently before the Court is the Report and Recommendation to Deny in forma pauperis Status and Order Plaintiff to Pay the Filing Costs (the “Report”) (Doc.

No. 7) issued by Magistrate Judge Caroline H. Gentry. In the Report, Magistrate Judge Gentry recommends that Plaintiff’s Motion for Leave to Proceed in forma pauperis (Doc. No. 1) be denied and that Plaintiff be ordered to pay the Court’s \$405.00 filing fee. (Doc. No. 7 at PageID 53–54.)

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. Noting that no objections to Magistrate Judge Gentry’s Report have been filed and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby ADOPTS the Report and Recommendation to Deny in forma pauperis Status and Order Plaintiff to Pay the Filing Costs (Doc.

No. 7). It is therefore ORDERED that: 1. Plaintiff’s Motion for Leave to Proceed in forma pauperis (Doc. No. 1) is DENIED; 2. Plaintiff shall pay the \$405.00 filing fee within 30 days of the full filing fee, his case may be dismissed for failure to prosecute. See Fed. R. Civ. P. 41(b); see also *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962). DONE and ORDERED in Dayton, Ohio, this Monday, February 2, 2026. s/Thomas M. Rose _____
THOMAS M. ROSE UNITED STATES DISTRICT JUDGE