

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

| | | |
|----------------------------|---|-------------------------------------|
| VELDA D. WILLOUGHBY, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 5:08-363-JMH |
| |) | |
| v. |) | |
| |) | |
| |) | |
| MOTORISTS MUTUAL INSURANCE |) | MEMORANDUM OPINION AND ORDER |
| COMPANY, |) | |
| |) | |
| Defendant. |) | |

** ** ** ** **

This matter is before the Court on the Proposed Findings of Fact and Recommendations of Magistrate Judge James B. Todd [Record No. 28]. Said action was referred to the magistrate for the purpose of reviewing the merit of Defendant's first and second Motions to Dismiss [Record Nos. 13 and 21], each of which sought dismissal as a sanction for Plaintiff's failure to meet her discovery obligations or comply with this Court's discovery orders.

Neither party has filed objections to the Report and Recommendation, and the deadline for filing objections has passed. Generally, "a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations made by the magistrate judge." 28 U.S.C. § 636. However, when the petitioner fails to file any objections to the Report and Recommendation, as in the case *sub judice*, "[i]t does not appear that Congress intended to require district court review of a

magistrate's factual or legal conclusions, under a de novo or any other standard." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Consequently, this Court adopts the reasoning set forth in the Report and Recommendation as its own.

Accordingly, **IT IS ORDERED:**

(1) that the Magistrate Judge's Report and Recommendation [Record No. 28] shall be, and the same hereby is, **ACCEPTED** and **ADOPTED**;

(2) that Defendant's Motions to Dismiss [Record Nos. 13 and 21] shall be, and the same hereby are, **DENIED**.

This is the 25th day of September, 2009.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge