

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**RAYMOND SHERELOCK  
FELDER,**

**Plaintiff,**

**v.**

**RYDER LOGISTICS,**

**Defendant.**

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**1:17-cv-5315-WSD**

**OPINION AND ORDER**

This matter is before the Court on Magistrate Judge Walter E. Johnson's Final Report and Recommendation [4] ("Final R&R"), which recommends the action be dismissed without prejudice.

On December 20, 2017, Raymond Sherelock Felder ("Plaintiff") filed his Complaint [1] alleging a claim for employment discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ *et seq.* Plaintiff, however, failed to file proof of service within ninety days. On April 5, 2018, the Court directed Plaintiff to file proof of service within twenty days or to show good cause as to why he had not served Defendant Ryder Logistics ("Defendant"). ([3] "April 5th Order"). The Court warned Plaintiff that failure to file proof of service would result in a

recommendation that his case be dismissed without prejudice. (Id.). On May 8, 2018, with more than twenty days passed, the Magistrate Judge issued his Final R&R finding that Plaintiff failed to properly serve Defendant and obey the Court's April 5th Order.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). With respect to those findings and recommendations to which objections have not been asserted, the Court must conduct a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), cert. denied, 464 U.S. 1050 (1984). Where, as here, no party filed objections to the Final R&R, the Court reviews the Court reviews it for plain error.<sup>1</sup>

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<sup>1</sup> On May 17, 2018, Plaintiff filed a Letter [6] with the Court explaining that he "did send . . . [D]efendant by two day mail delivery on April 20, 2018[,] and they signed for it[.] [T]hey should respond within thirty days." Plaintiff, nevertheless, failed to file proof of service, and, to the extent Plaintiff's Letter constitutes an "objection" to the Final R&R, the Court overrules it.

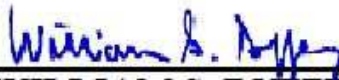
The Court finds no plain error in the Magistrate Judge's findings and recommendation. See Fed. R. Civ. P. 4(c), (m) (failing to comport with the service deadline may result in dismissal without prejudice); Fed. R. Civ. P. 41(b); L.R. 41.3(A)(2), N.D. Ga. ("The court may, with or without notice to the parties, dismiss a civil case for want of prosecution if . . . [a] plaintiff . . . shall, after notice, . . . fail or refuse to obey a lawful order of the court in the case . . .").

Accordingly,

**IT IS HEREBY ORDERED** that Magistrate Judge Walter E. Johnsons' Final Report and Recommendation [4] is **ADOPTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED** this 19th day of June, 2018.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE