

Before the Court is the Magistrate Judge's Report and Recommendation, ECF No. 18, recommending that Plaintiffs' Complaint, ECF No. 1, be dismissed as to Defendant Nicholas B. Boone, without prejudice, for want of prosecution. For the following reasons, the Court ADOPTS the magistrate's recommendation and dismisses Plaintiffs' claims against Boone without prejudice.

A district court reviews *de novo* any portion of a magistrate judge's report and recommendation to which written objections have been made. *See* Fed. R. Civ. P. 72(b). "The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." *Id.* More than 14 days have elapsed since the filing of the Report and Recommendation, and no objections have issued from any party. As the parties failed to present timely objections, any such objections have been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *Lockert v. Faulkner*, 843 F.2d 1015, 1017 (7th Cir. 1988); and *Video Views, Inc. v. Studio 21 Lts.*, 797 F.2d 538, 539 (7th Cir. 1986). The Court thus reviews the Magistrate Judge's recommendation for clear error. *See Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Federal Rule of Civil Procedure 4(m) directs that a plaintiff must serve a defendant within 120 days of filing the Complaint. The Magistrate Judge explains that the Complaint was filed, and some parties were served with process—but not Defendant Boone. Report and Rec. 1. After more than 120 days had passed from the filing of the Complaint, the Magistrate warned Plaintiffs that failure to perfect service on Boone could result in dismissal of the case against Boone. *See* Mar. 31, 2014 Text Order. Plaintiffs did not subsequently serve Boone, and the Magistrate now recommends that Boone be dismissed. The Court agrees.

Accordingly, this Court ADOPTS the Magistrate Judge's Report and Recommendation. Plaintiffs' claims against Defendant Boone are dismissed without prejudice for want of prosecution.

Entered this 19th day of November, 2014.

s/ Sara Darrow
SARA DARROW
UNITED STATES DISTRICT JUDGE