

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<p>NICHOLAS R. GRIMONT,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>ALTON AND SOUTHERN RAILWAY CO.,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 16-CV-1395-NJR-SCW</p>
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MEMORANDUM AND ORDER

ROSENSTENGEL, District Judge:

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Stephen Williams (Doc. 12), which recommends dismissing this action without prejudice.

Plaintiff Nicholas Grimont filed this lawsuit against Defendant Alton and Southern Railway Co. on December 28, 2016 (Doc. 1). Shortly thereafter, his attorney moved to withdraw because she was unable to reach her client (Doc. 7). Plaintiff did not respond to the motion or appear at the hearing on the motion (Doc. 9). He also did not follow Magistrate Judge Williams's Order to retain new counsel or notify the Court of his intent to proceed *pro se* (see Doc. 9). And he also failed to appear at a status conference, despite being warned that such failure may result in the dismissal of the case (Doc. 10). Furthermore, well over ninety days have elapsed since the complaint was filed, and Defendant still has not been served. See FED. R. CIV. P. 4(m).

Consequently, Magistrate Judge Williams issued the Report and Recommendation that is currently before the Court and recommended the dismissal of this action without prejudice due to Plaintiff's failure to prosecute this action and failure to obtain service of process within the time prescribed by Rule 4(m) (Doc. 12). Objections to the Report and Recommendation were due on June 2, 2017 (Doc. 12). *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(2); SDIL-LR 73.1(b). No objections were filed.

Where neither timely nor specific objections to the Report and Recommendation are made, the court need not conduct a *de novo* review. *See Thomas v. Arn*, 474 U.S. 140 (1985). Instead, the court should review the Report and Recommendation for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The court may then "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

The undersigned has reviewed Magistrate Judge Williams's Report and Recommendation, as well as the procedural history of this case, and fully agrees with the findings, analysis, and conclusions of Magistrate Judge Williams. Accordingly, the Court **ADOPTS** the Report and Recommendation (Doc. 12) in its entirety. This action is **DISMISSED without prejudice** pursuant to Rules 41(b) and 4(m) for failure to prosecute and for failure to obtain timely service of process.

IT IS SO ORDERED.

DATED: June 6, 2017



NANCY J. ROSENSTENGEL
United States District Judge