

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

XUAN T. NGUYEN,)
Plaintiff,)
v.) No. 1:19-cv-04330-JRS-DML
HAMILTON EXHIBITS, LLC,)
Defendant.)

Order Adopting Report and Recommendation and Granting Motion for Sanctions

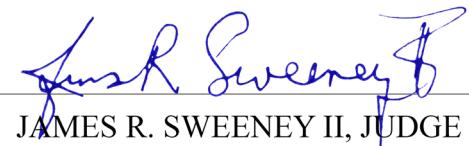
On November 18, 2020, Magistrate Judge Debra McVicker Lynch issued a Report and Recommendation on Defendant's motion for sanctions, recommending that the Court dismiss Plaintiff's Amended Complaint with prejudice and award Defendant its reasonable attorney's fees in bringing the sanctions motion. The Report and Recommendation advised the parties that any objections thereto must be filed within fourteen days after service and that the failure to file any objection would constitute waiver of subsequent review absent a showing of good cause. Plaintiff did not file any objection within fourteen days after service of the Report and Recommendation; nor did he seek an extension of time within which to do so. As of this date, Plaintiff has filed no objection or other response to the Report and Recommendation. He has therefore waived any objection that he may have had.

Having reviewed the Report and Recommendation as well as the motion for sanctions and the record, the Court finds that the Magistrate Judge's recommendation is

appropriate and warranted. Therefore, the Court **adopts** the Report and Recommendation, (ECF No. 42), **grants** the Defendant's Motion for Sanctions, (ECF No. 30), **dismisses** Plaintiff's Amended Complaint **with prejudice** for his spoliation of evidence, and **grants** Defendant's request for reasonable attorney's fees associated with bringing the motion for sanctions. This action will be dismissed with prejudice.

SO ORDERED.

Date: 1/8/2021



JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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