

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

CARROLL WASHINGTON,)	
)	
Plaintiff,)	Civil Case No.
)	5:19-cv-73-JMH-HAI
v.)	
)	MEMORANDUM OPINION
UNITED STATES OF AMERICA,)	AND ORDER
)	
Defendant.)	

This matter comes before the Court on the United States' Motion to Dismiss, or in the Alternative, Motion for Summary Judgment. [DE 37]. Following the partial dismissal of several claims, the Court allowed Plaintiff Carroll Washington's medical negligence claim under the Federal Tort Claims Act ("FTCA") to move forward. [DE 23]. This matter was referred to United States Magistrate Judge Hanly A. Ingram for further scrutiny, and he has recommended granting the United States' motion and dismissal of the Washington's remaining claim. [DE 41]. Although afforded the opportunity to do so, Washington has failed to object to Magistrate Judge Ingram's Report and Recommendation [DE 41]. As stated in Magistrate Judge Smith's Report and Recommendation [DE 41], "Failure to make a timely objection consistent with [28 U.S.C. § 636(b)(1)] and rule may, and normally will, result in waiver of further appeal to or review by the District Court and

Court of Appeals." [DE 41, at 8 (citing *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981)]. Accordingly,

IT IS ORDERED as follows:

(1) United States Magistrate Judge Hanly A. Ingram's Report and Recommendation [DE 41] is **ACCEPTED** and **ADOPTED** in its entirety as the Opinion of the Court;

(2) Defendant's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment [DE 37] is **GRANTED**;

(3) This action is **DISMISSED** and **STRICKEN** from the Court's docket;

(4) No certificate of appealability shall issue; and

(5) Judgment shall be entered contemporaneously with the present Memorandum Opinion and Order.

This the 6th day of April, 2021.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge