

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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CHESTER RAYMOND BODMAN,

Plaintiff,

v.

Case No. 1:11-CV-600

DWAIN DENNIS, et al.,

HON. GORDON J. QUIST

Defendants.

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**ORDER ADOPTING AUGUST 7, 2013  
REPORT AND RECOMMENDATION**

Plaintiff has filed an Objection to Magistrate Judge Carmody's August 7, 2013 Report and Recommendation (R & R), which recommends that the Court dismiss Unknown Party # 1 without prejudice for failure to timely effect service.

Pursuant to 28 U.S.C. § 636(b)(1), upon receiving objections to a report and recommendation, the 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." After conducting a *de novo* review of the R & R, the Court will adopt the R & R and overrule Plaintiff's Objection.

Plaintiff objects to the dismissal of Unknown Party # 1, but fails to show good cause for failing to timely effect service. Plaintiff merely states that he is objecting to preserve his right to appeal the dismissal. Thus, Plaintiff fails to offer any good reason why Unknown Party # 1 should not be dismissed from this case without prejudice.

Therefore,

**IT IS HEREBY ORDERED** that the magistrate judge's August 7, 2013 Report and Recommendation (dkt. # 43) is **ADOPTED** as the Opinion of this Court, and Plaintiff's Objection (dkt. # 46) is **OVERRULED**

**IT IS FURTHER ORDERED** that Unknown Party # 1 is **DISMISSED WITHOUT PREJUDICE**.

Dated: October 3, 2013

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE