

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

FRANK R. OWENS

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:16-cv-267-MPM-JMV

**JHONNIE HUGES AND
WATER VALLEY HOUSING AUTHORITY**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

On December 1, 2017, U.S. Magistrate Judge Jane M. Virden issued a Report and Recommendation (“R&R”) *sua sponte* recommending that the *pro se* Plaintiff’s complaint be dismissed. Doc. #30. Judge Virden’s recommendation was based on Plaintiff’s failure to prosecute and failure to comply with an order of the court.

The R&R warned that “any ... objections [to the R&R] are required to be in writing and must be filed within fourteen days of this date. Failure to timely file written objections . . . will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court.” *Id.* at 3. A copy of the R&R was mailed to the *pro se* plaintiff via United States Postal Service on December 11, 2017.

More than fourteen days have elapsed since service of the R&R, and no objection thereto has been filed or served by any party. Accordingly, this Court’s review of the R&R is limited to plain error. *See Molina-Uribe v. U.S.*, No. B:97-97, 2009 WL 3535498, at *15 (S.D. Tex. Sep. 10, 2009) (“In the absence of plain error, a party’s failure to object timely to a Magistrate Judge’s Report and Recommendation waives any right to further judicial review of that decision.”) (citing *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1997)).

The Court has reviewed the R&R and has found no plain error. Accordingly, the R&R is **APPROVED and ADOPTED** as the opinion of the court. Thus, plaintiff's case is hereby **DISMISSED**.

SO ORDERED, this 8th day of May, 2018.

/s/ MICHAEL P. MILLS
UNITED STATES DISTRICT JUDGE NORTHERN
DISTRICT OF MISSISSIPPI