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

## **BRUD ROSSMANN**

#### PLAINTIFF

VS.

## CIVIL ACTION NO.: 3:17-cv-189-MPM-JMV

## PHILIP PULASKI, M.D., ET AL.

#### **DEFENDANTS**

#### **ORDER ADOPTING REPORT AND RECOMMENDATION**

On November 17, 2017, U.S. Magistrate Judge Jane M. Virden issued a Report and Recommendation ("R&R") recommending that the *pro se* Plaintiff's complaint be dismissed and Plaintiff be barred from filing further complaints in this district without prior approval from a District Judge. Doc. #7. Judge Virden's recommendation is based upon the Plaintiff's demonstratively frivolous and troublesome complaint that otherwise fails to state a claim. *Id.* at 1.

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 6. A copy of the R&R was mailed to the *pro se* plaintiff via United States Postal Service on December 12, 2017. The mail was returned as undeliverable.<sup>1</sup>

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

<sup>&</sup>lt;sup>1</sup> As is the case in all of the Plaintiff's other filings, referenced in the Report and Recommendation. Doc. #7 at 2.

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 6<sup>th</sup> day of June, 2018.

# <u>/s/ MICHAEL P. MILLS</u> UNITED STATES DISTRICT JUDGE NORTHERN DISTRICT OF MISSISSIPPI