

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

FREDERICK RAGIN

PLAINTIFF

V.

NO. 4:15-CV-133-DMB-JMV

EARNEST LEE, ET AL.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

On February 1, 2016, following a *Spears* hearing, United States Magistrate Judge Jane M. Virden issued a Report and Recommendation, recommending that Frederick Ragin’s claims against Timothy Morris for failure to protect proceed; that Ragin’s claims against Earnest Lee, Andrew Mills, and Marshall Fisher be dismissed for failure to state a claim upon which relief could be granted; and that Ragin’s claims for the denial of medical care be dismissed for failure to state a claim upon which relief could be granted. Doc. #15. Ragin received the Report and Recommendation by mail on February 9, 2016. Doc. #17.

The Report and Recommendation warned that “failure to file written objections to the findings, conclusions, and recommendation in a magistrate judge’s report and recommendation within [14] days after being served with a copy shall bar that party, except on grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court” Doc. #15 at 5 (citations omitted). More than fourteen days have passed since the issuance of the Report and Recommendation and no party has filed objections. Accordingly, this Court’s review of the Report and Recommendation is limited to plain error. *Morales v. Mosley*, No. 3:13-cv-848, 2014 WL 5410326, at *2 (S.D. Miss. Oct. 22, 2014) (citing *Shelby v. City of El Paso*, 577 F. App’x 327, 331 (5th Cir. 2014) (“When there has been no objection to a report and recommendation, review is limited to plain error.”); *Lampkin v. Bank of Am.*, No. 14-

20775, 2016 WL 1376218, at *1 (5th Cir. Apr. 6, 2016) (reviewing district court's order adopting magistrate's report for plain error) (citing *Douglass*, 79 F.3d at 1428–29).

The Court has reviewed the Report and Recommendation and found no plain error. It is therefore ordered:

1. The Report and Recommendation [15] is **ADOPTED** as the order of the Court;
2. All claims against Earnest Lee, Andrew Mills, and Marshall Fisher are **DISMISSED**;
3. Ragin's claims for the denial of medical care are **DISMISSED**; and
4. Ragin's claim against Timothy Morris for failure to protect may **PROCEED**.

SO ORDERED, this 17th day of May, 2016.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE