

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN V. HALTOM,

Plaintiff,

vs.

KAREN PARKS, et al.,

Defendants.

8:15-CV-428

MEMORANDUM AND ORDER

This matter is before the Court on the Magistrate Judge's Findings and Recommendation ([filing 93](#)), recommending that several named defendants be dismissed for failure of service and want of prosecution. The plaintiff has not objected to the Magistrate Judge's recommendation, which expressly informed him that "failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of this recommendation." [Filing 93 at 2](#).

[28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objects to the magistrate's findings and recommendations. [Peretz v. United States, 501 U.S. 923 \(1991\)](#). The failure to file an objection eliminates not only the need for de novo review, but any review by the Court. [Thomas v. Arn, 474 U.S. 140 \(1985\)](#); [Leonard v. Dorsey & Whitney LLP, 553 F.3d 609 \(8th Cir. 2009\)](#). Accordingly, with the exception of defendants Jane Prine and Christine Jones,¹ the Magistrate Judge's Findings and Recommendation is adopted.

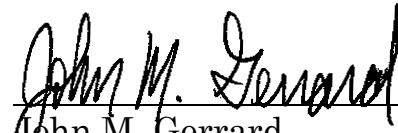
¹ The plaintiff filed a motion on May 5, 2017, which the Magistrate Judge has construed as a motion to serve summons out of time ([filing 95](#)). As part of that motion, the plaintiff claims to have located and served Prine and Jones—both of whom were included in the

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation (filing 93) is adopted.
2. The plaintiff's claims against the following defendants are dismissed for failure of service and want of prosecution:
 - a. Sarah Siemek, DHHS
 - b. Ashley Buck, DHHS
 - c. Patricia Dinslage, Mental Health Associates
 - d. Dr. Jennie Cole-Mossman, Mental Health Associates
 - e. Dr. Gail M. Ihle, Mental Health Associates
 - f. Holly Ludvik, KVC, Cedars
 - g. Dr. Dan Hensleey, Lakeside Physician
 - h. Wendy Kaiser
 - i. Angela Ryan
 - j. Rebecca Norton
 - k. Jeri Grachek

Dated this 8th day of May, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge

Magistrate Judge's Findings and Recommendation. Because the Magistrate Judge has ordered further briefing on that motion, neither Prine nor Jones will be dismissed as parties at this time.