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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO		
NATIONAL CREDIT UNION ADMIN. BOARD,	::	Case No. 1:15-CV-1606
Plaintiff,	:	
VS.	:	OPINION & ORDER [Resolving Doc. Nos. 23,
JANKO NOVAK,	:	[resolving Doe. 1008. <u>20</u> ,
Defendant.	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In this collection action, Plaintiff National Credit Union sued Defendant Janko Novak for the outstanding balance of a loan.¹ The parties consented to a Magistrate Judge hearing the case.² On May 25, 2016, the Plaintiff moved for partial summary judgment.³ Shortly thereafter, on June 6, 2016, Defendant Novak filed notice of his Chapter 7 Bankruptcy.⁴

Following Defendant's bankruptcy filing, Magistrate Judge David Ruiz issued a Report and Recommendation ("R&R"). Magistrate Judge Ruiz recommended denying the Plaintiff's motion for summary judgment without prejudice, staying all further proceedings, and closing this case until bankruptcy proceedings conclude as required by 11 U.S.C. § 362.⁵

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of an R&R to which a party has made an objection.⁶ Parties must file any

¹ <u>Doc. 1</u>.

² <u>Doc. 9</u>. This case was originally transferred to Magistrate Judge Kenneth McHargh. After Magistrate Judge McHargh's retirement, Magistrate Judge David Ruiz took over this case.

 $^{^{3}}$ <u>Doc. 23</u>.

⁴ <u>Doc. 24</u>.

 $^{^{5}}$ Doc. 25. Magistrate Judge Ruiz recommended that this case should be subject to reopening upon motion from either party. This Court agrees.

⁶ 28 U.S.C. § 636(b)(1)(C).

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objections to an R&R within fourteen days of service.⁷ Failure to object within that time waives a party's right to have the Court review the R&R.⁸ Absent objection, a district court may adopt the R&R without review.⁹

In this case, neither party has objected to the R&R. Moreover, having conducted its own review of the record, this Court agrees with the conclusions of Magistrate Judge Ruiz.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Ruiz's R&R and incorporates it fully herein by reference. The Court **DISMISSES WITHOUT PREJUDICE** the Plaintiff's motion for partial summary judgment.

IT IS SO ORDERED.

Dated: January 5, 2017

<u>s/</u> James S. Gwin JAMES S. GWIN UNITED STATES DISTRICT JUDGE

⁷ Fed. R. Civ. P. 72(b)(2); LR 72.3(b).

⁸ LR 72.3(b); see Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949–50 (6th Cir. 1981).

⁹ See Thomas, 474 U.S. at 149.