

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Meadowlake Corporation, et al.,)	
)	CASE NO.: 5:09 CV 2914
Plaintiffs,)	
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
Ohio Environmental Protection Agency,)	
)	
)	
Defendant.)	
)	

This case was referred to Magistrate Judge Limbert for general pre-trial supervision.

ECF 3. Defendant Ohio Environmental Protection Agency (OEPA) filed a motion to dismiss (ECF 4), which was not opposed.

Magistrate Judge Limbert issued a Report and Recommendation regarding OEPA's motion to dismiss on May 19, 2010, recommending that the Court grant the motion and dismiss the case in its entirety with prejudice for lack of subject matter jurisdiction, or in the alternative, for lack of merit. ECF 9. No objections have been filed to the Report and Recommendation.

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

(5:09 CV 2914)

The Magistrate Judge's Report and Recommendation was filed on May 19, 2010.

The fourteen day period has elapsed and no objections have been filed.

The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's Report and Recommendation and adopts the same. Accordingly, defendant OEPA's motion to dismiss for lack of subject matter jurisdiction (ECF 3) is GRANTED. The Court will separately publish a Judgment Entry.

IT IS SO ORDERED.

June 16, 2010
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge