

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TESSA O'NEAL, :
Plaintiff(s), :
Case Number: 1:07cv505
vs. : Chief Judge Susan J. Dlott
NATIONSTAR MORTGAGE, et. al., :
Defendant(s). :

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Black filed on May 27, 2009 (Doc. 46), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired June 16, 2009, hereby ADOPTS said Report and Recommendation.

Accordingly, the deadlines set forth in a March 19, 2009 Order have passed without Plaintiff having properly effectuated service upon Defendant Gateway as required by Rule 4(c). The Court hereby **ORDERS** that Plaintiff's complaint is **DISMISSED** as to Defendant Gateway Mortgage, Inc. due to Plaintiff's failure to effect timely service of process of the summons and complaint.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court