

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

NATALIE LACKEY,	:	Case No. 1:18-cv-895
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Stephanie K.
	:	Bowman
PRISTINE OF RIVERVIEW, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 11)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on July 11, 2019, submitted a Report and Recommendation. (Doc. 11). Plaintiff did not file objections to the Report and Recommendation; however, Plaintiff filed a response to a prior Order (Doc. 11) issued by the Magistrate Judge. (Doc. 12).¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court finds that the Report and Recommendation (Doc. 11) should be and is hereby adopted in its entirety.

¹ Plaintiff's response to the Order was not timely filed, nor did Plaintiff request an extension of time. The Court will, nevertheless, consider Plaintiff's response to the Order, as discussed *infra*, before dismissing the case.

On May 13, 2019, after the summons for each Defendant was returned unexecuted, the Magistrate Judge ordered Plaintiff to provide valid service addresses for each Defendant, as well as a completed summons and USM 285 service form. (Doc. 10). In that Order, the Magistrate Judge also granted Plaintiff leave to file an amended complaint to correct the naming deficiencies of the Defendants – such as the corporate entity sued and providing more complete names or identifiers of the individual defendants.² (*Id.* at 2). Plaintiff was provided 45-days to respond to that Order. (*Id.*) Plaintiff failed to comply, nor did she seek an extension of time to comply. (Doc. 11). Thus, on July 11, 2019, the Magistrate Judge recommended dismissing this action for want of prosecution and failure to comply with an Order of the Court. (Doc. 11).

Two months after the Report and Recommendation was submitted, on September 10, 2019, Plaintiff filed a response to the Magistrate Judge’s Order. (Doc. 12). Plaintiff stated that Defendant Pristine of Riverview was “nonexistent[t]” and “bought[] by another company.” (*Id.*) Plaintiff then requested “more time to get updated names and info o[n the] facility,” in order to comply with Magistrate Judge’s Order. (*Id.*) At that time, Plaintiff did not amend (nor has Plaintiff amended) her complaint to correct and/or update the naming of any defendant.

On September 27, 2019, Plaintiff provided a new summons and USM 285 form for each Defendant to the Clerk’s Office. These were not ordered to be served, nor was a request for issuance of summons filed. As with Plaintiff’s response (Doc. 12), this Court

² The individual defendants are referenced by first name only: Tamiko (LNU), Jessica (LNU), and Heather (LNU). The Court understands “LNU” to mean “last name unknown.”

decided to review each summons and USM 285 form on file with the Clerk's Office, although submitted untimely by Plaintiff, when considering *de novo* all of the filings in this matter. And, upon review, this Court finds that each new summons is the same as each original summons. (Doc. 10). Each new summons names the same Defendants and at the same addresses as each original summons returned unexecuted. Thus, Plaintiff has still failed to provide valid addresses per the Magistrate Judge's Order.

Accordingly, for the reasons stated above:

1. The Report and Recommendation (Doc. 11) is **ADOPTED**;
2. Plaintiff's complaint (Doc. 1-1) is **DISMISSED** for want of prosecution and failure to comply with an Order of the Court;
3. Plaintiff's objections (Doc. 12) are **OVERRULED**; and,
4. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 5/17/2021

s/Timothy S. Black
Timothy S. Black
United States District Judge