

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

**SHAWN THOMAS,**

**Plaintiff,**

v.

**Civil Action 2:10-cv-152**

**Judge James L. Graham**

**Magistrate Judge E.A. Preston Deavers**

**MR. McDOWELL, et al.,**

**Defendants.**

**ORDER**

This matter is before the Court for consideration of the August 5, 2011 Report and Recommendation of the United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 39.) The Magistrate Judge recommended that the Court dismiss the unnamed defendants from this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

The Report and Recommendation specifically advises Plaintiff that the failure to object to the Report and Recommendation within fourteen days of the Report results in a “waiver of the right to de novo review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court.” (Report and Recommendation 8, ECF No. 39.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report

and Recommendation. (ECF No. 39.) Accordingly, the “Unnamed Madison Correctional Institution Medical Staff Members” are **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m).

**IT IS SO ORDERED.**

S/ James L. Graham  
James L. Graham  
UNITED STATES DISTRICT JUDGE

Date: October 18, 2011