

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

James Joseph Prince, :
 :
Plaintiff : Civil Action 2:13-cv-0035
 :
v. : Judge Watson
 :
Dr. Cha : Magistrate Judge Abel
 :
and :
 :
Dr. Keaton, :
 :
Defendants :

Report and Recommendation

It is RECOMMENDED that plaintiff Prince's August 5, 2013 motion to proceed on appeal *in forma pauperis* (doc. 19) be DENIED. Judgment has not been entered. The court's July 19, 2013 Order denying plaintiff's motion for default judgment did not adjudicate any of the claims pleaded in the complaint and is not a final appealable order. See, Rule 54(b), Fed. R. Civ. P. The deadline for completing discovery remains October 29, 2013.

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties a motion for reconsideration by the Court, specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1)(B); Rule 72(b), Fed. R. Civ. P.

The parties are specifically advised that failure to object to the Report and Recommendation will result 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. *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also, *Small v. Secretary of Health and Human Services*, 892 F.2d 15, 16 (2d Cir. 1989).

The Clerk of Court is DIRECTED to mail a copy of the complaint and this Report and Recommendation to each defendant.

s/Mark R. Abel
United States Magistrate Judge