

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

RIDING FILMS, INC.,

Plaintiff,

vs.

Civil Action 2:13-cv-46
Judge Marbley
Magistrate Judge King

JOHN DOES 129-193,

Defendants.

REPORT AND RECOMMENDATION

This case was filed on January 16, 2013. *Complaint*, ECF 1. On September 6, 2013, plaintiff filed an amended complaint which named, *inter alios*, Wade White as a defendant. *Amended Complaint*, ECF 15. Plaintiff had until January 6, 2014 to demonstrate effective service of process on all remaining defendants. *Preliminary Pretrial Order*, ECF 29, p. 3; see also Fed. R. Civ. P. 4(m). On January 17, 2014, the summons issued to defendant White was returned unexecuted. ECF 42. Plaintiff was ordered to show cause, no later than April 18, 2014, why the claims against defendant White should not be dismissed, without prejudice, for failure to effect timely service of process pursuant to Fed. R. Civ. P. 4.(m). *Order*, ECF 51. In response, plaintiff pointed out that it had attempted certified mail service on defendant White at a new address. ECF 56, pp. 1-2. However, that service was also returned unexecuted. ECF 60.

Accordingly, it is **RECOMMENDED** that the claims against defendant Wade White be dismissed for failure to timely effect service of process. See Fed. R. Civ. P. 4(m).

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, 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); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

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 of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

May 16, 2014

s/Norah McCann King
Norah McCann King
United States Magistrate Judge