

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

JESSE DARDEN POLLARD,

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS, et al.**

Defendants.

Case No. 2:13-69

Judge Peter C. Economus

MEMORANDUM OPINION AND ORDER

This matter is before the Court for consideration of the February 5, 2013 Report and Recommendation of the Magistrate Judge. (Dkt. 3.) The Magistrate Judge recommended that this action be dismissed pursuant to 28 U.S.C. §1915(e)(2), which provides for review of proceedings *in forma pauperis* and requires the Court to dismiss the case if the action fails to state a claim on which relief can be granted. The Magistrate Judge found that Plaintiff has not exhausted his administrative remedies, which is required in order for this Court to have jurisdiction under the Federal Tort Claims Act. (Dkt. 3 at 2.)

The Report and Recommendation specifically advised the parties that failure to object to the Report and Recommendation within fourteen days results in a “waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation.” (Dkt. 3 at 3–4.) The time period for filing objections has expired, and no party has objected.

The Court reviewed the Report and Recommendation of the Magistrate Judge pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate

Judge. (Dkt. 3.) Accordingly, Plaintiff's action is **DISMISSED**. The Clerk is **DIRECTED** to remove this action from the Court's pending case list.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE