

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

AARON L. HAWKINS,

Plaintiff,

v.

Civil Action 2:13-cv-186

Judge Michael H. Watson

Magistrate Judge Elizabeth P. Deavers

**FRANKLIN COUNTY SHERIFF'S
OFFICE,**

Defendant.

REPORT AND RECOMMENDATION

On April 9, 2014, this matter came before the Court for a Preliminary Pretrial Conference pursuant to proper notice. Because Defendant Paul S. Wells, who is proceeding without the assistance of counsel, failed to appear, the Court directed him to show cause within fourteen days why the Court should not enter default against him for failure to appear and defend. (ECF No. 23.) The Court “specifically advised [Defendant Wells] that default judgment could be entered against him if he fails to respond to the Show Cause Order. (ECF No. 23.)

To date, Defendant Wells has not responded to the Court’s Show Cause Order. It is therefore **RECOMMENDED** that the Court impose the sanction of default judgment against Defendant Wells in an amount to be determined by the Court. The Undersigned finds that this harsh sanction is warranted given Defendant Wells’ failure to appear at the Preliminary Pretrial Conference and subsequent failure to respond to this Court’s Show Cause Order.

PROCEDURE ON OBJECTIONS

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 in question, as well as the basis for objection. 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. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the 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. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal”) (citation omitted)).

Date: April 29, 2014

/s/ Elizabeth A. Preston Deavers

Elizabeth A. Preston Deavers
United States Magistrate Judge