

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

James Mobley, :
 :
 Plaintiff : Civil Action 2:13-cv-00286
 :
 v. : Judge Watson
 :
 State of Ohio Department of : Magistrate Judge Abel
 Rehabilitation and Correction, *et al.*, :
 :
 Defendants

Report and Recommendation

On August 20, 2013, plaintiff was ordered to show cause why this case should not be dismissed for failure to obtain service on defendants. On September 25, 2013, plaintiff filed a response to the Show Cause Order stating that he had sent summons and complaint to this Court. The Clerk of Court has reviewed the file and indicated that plaintiff did not provide the Clerk of Court with the sufficient number of complaints and USM-285 forms necessary for service on the 112 defendants. No defendants have been served. As a result, the Magistrate Judge RECOMMENDS that defendants be dismissed without prejudice, under Rule 4(m), Fed. R. Civil. P. for failure to obtain service on them.

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, 150-152 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Willis v. Sullivan*, 931 F.2d 390, 401 (6th Cir. 1991).

s/Mark R. Abel
United States Magistrate Judge