

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

PATRICIA MUNDERLYN,

Plaintiff,

v.

SELINA MILLER, et al.,

Defendants.

Case No. 2:13-cv-591

Judge Marbley

Magistrate Judge King

REPORT AND RECOMMENDATION

A *Complaint* was filed in the name of Patricia Munderlyn against Selina Miller and Shawna Bagley. Doc. No. 1. The \$400.00 filing fee was not paid, nor did plaintiff file an application for leave to proceed *in forma pauperis*. A hearing to determine if the case should be allowed to proceed was scheduled for July 2, 2013, at 2:00 p.m. *Order*, Doc. No. 2. Notice of the hearing was provided by certified and regular mail to the individual named as plaintiff at the address provided in the *Complaint*. Doc. No. 3. That notice was returned to the Court with the notations, "Attempted - Not Known" and "Doesn't Reside Here." Doc. Nos. 6, 7. No appearance was made by Patricia Munderlyn at the hearing on July 2, 2013.¹

The filing fee has not been paid, there has been no request for leave to proceed *in forma pauperis*, and it does not appear that the claims asserted in this action will be pursued.

It is therefore **RECOMMENDED** that this action be dismissed.

¹Selina Miller, who is named as a defendant in the *Complaint*, appeared at the hearing. Ms. Miller expressly denied that she filed the *Complaint* in the name of Patricia Munderlyn.

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).

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

July 2, 2013