

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

Tad Jason Hyde,

Plaintiff,

v.

Case No. 2:15-cv-176

Officer Jeff McAllister, et al.,

Judge Michael H. Watson

Defendants.

ORDER

On March 21, 2016, Magistrate Judge Deavers issued a Report and Recommendation (“R&R”) in this *pro se* prisoner civil rights case. R&R, ECF No. 33.


The R&R recommended dismissing without prejudice Plaintiff’s claims for injunctive relief as moot. *Id.* at 1. It also recognized that Plaintiff failed to respond to Defendants’ previously-filed motion to dismiss and, accordingly, ordered Plaintiff to file a notice within fourteen days of the R&R advising the Court whether Plaintiff intended to prosecute the action. *Id.* at 1–2. The R&R advised Plaintiff that a failure to timely file the notice could result in dismissal of the action without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b). *Id.* at 2. The R&R further advised the parties of their right to object to the R&R within fourteen days and notified the parties that a failure to do so would result in a waiver of the right to *de novo* review by the Undersigned and a waiver of the right to appeal this Court’s judgment. *Id.* at 5.

Plaintiff filed neither the required notice of intent to prosecute nor objections to the R&R.

Accordingly, on April 11, 2016, Magistrate Judge Deavers issued another R&R, recommending the Court dismiss Plaintiff's case for failure to prosecute. R&R 1, ECF No. 35. Again, the R&R advised the parties of their right to object to the R&R within fourteen days and notified the parties that a failure to do so would result in a waiver of the right to *de novo* review by the Undersigned and a waiver of the right to appeal this Court's judgment. *Id.* at 4–5.

Plaintiff failed to timely object to the R&R. Accordingly, the Court **ADOPTS** the R&R and **DISMISSES WITHOUT PREJUDICE** this action for failure to prosecute.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT