

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

**CHARLES MICHAEL  
CASSELL, III, et al.,**

**Plaintiffs,**

**v.**

**Civil Action 2:17-cv-051  
Judge Michael H. Watson  
Magistrate Judge Jolson**

**LICKING COUNTY  
MEMORIAL HOSPITAL, et al.,**

**Defendants.**

**REPORT AND RECOMMENDATION**

On January 23, 2017, this Court issued an Order informing Plaintiffs that, despite filing a Complaint on January 17, 2007, they had neither paid the full filing fee nor submitted a request for leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(a). Thus, the Court ordered Plaintiffs to pay the \$400.00 filing fee or file a proper motion for leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(a) within thirty (30) days. The Court also warned Plaintiffs that their “[f]ailure to do so will result in dismissal of this action for want of prosecution.” (Doc. 4).

More than thirty days have passed since the Court’s Order and Plaintiffs have not complied or sought an extension of time in order to do so. The Court may dismiss an action for failure to prosecute under its inherent power to control its docket, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 629 (1962), or under Rule 41(b) of the Federal Rules of Civil Procedure. Based upon the foregoing, the Court **RECOMMENDS** that this action be dismissed. The Clerk is **DIRECTED** to send a copy of this Report and Recommendation to all Plaintiffs.

### **Procedure on Objections to Report and Recommendation**

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result 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. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: February 24, 2017

/s/ Kimberly A. Jolson  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE