

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

**MICHAEL A. FISHER,**

**Plaintiff,**

v.

**Case No. 2:17-cv-206**

**Chief Judge Edmund A. Sargus, Jr.**

**Magistrate Judge Elizabeth P. Deavers**

**CHAPLIN EMMANUAL SAMUTHRAM,**

*et al.,*

**Defendants.**

**REPORT AND RECOMMENDATION**

Plaintiff has filed a Motion to Withdraw, seeking to withdraw without prejudice his claims against Defendant Emmanuel Samuthram. (ECF No. 11.) Although Defendant Samuthram had the opportunity to respond to this Motion (ECF No. 12), he has nevertheless not responded to the Motion. It is therefore **RECOMMENDED** that Plaintiff's Motion to Withdraw the claims against Defendant Emmanuel Samuthram be **GRANTED** and that the claims against this Defendant be **DISMISSED WITHOUT PREJUDICE**. (ECF No. 11.)

**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).

**IT IS SO ORDERED.**

Date: September 12, 2017

          /s/ Elizabeth A. Preston Deavers  
ELIZABETH A. PRESTON DEAVERS  
UNITED STATES MAGISTRATE JUDGE