

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

**JAMES RYAN BOYD,**

**Plaintiff,**

**v.**

**Civil Action 2:17-cv-1003  
Chief Judge Edmund A. Sargus, Jr.  
Magistrate Judge Jolson**

**CHILLICOTHE CORRECTIONAL  
INSTITUTION, et al.,**

**Defendants.**

**REPORT AND RECOMMENDATION**

On April 24, 2018, this Court ordered Plaintiff to resubmit a summons and U.S. Marshal Form 285 for each named Defendant (*see* Doc. 5) within fourteen (14) days so that the United States Marshals Service could effect service of process by certified mail. (Doc. 11). Plaintiff, however, failed to do so. Consequently, on July 12, 2018, the Court again ordered Plaintiff to resubmit a summons and U.S. Marshal Form 285 for each named Defendant within fourteen (14) days so that the United States Marshals Service could effect service of process by certified mail. (Doc. 12). Plaintiff was warned that noncompliance with the July 12, 2018 Order may result in a recommendation of dismissal for failure to prosecute. Plaintiff again failed to resubmit any summons.

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, it is **RECOMMENDED** that this action be dismissed for failure to prosecute.

### **Procedure on Objections**

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: August 7, 2018

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