

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

DESTIN DEZWYN REESE,

Plaintiff,

v.

**Civil Action 2:24-cv-3914
Chief Judge Sarah D. Morrison
Magistrate Judge Chelsey M. Vascura**

JUDGE MICHAEL HOLBROOK, et al.,

Defendants.

REPORT AND RECOMMENDATION

On January 3, 2025, the Court ordered Plaintiff to show cause why the Court should not dismiss her claims against Defendants, Judge Michael Holbrook, Prosecutor Tyler McCoy, and Ryan Ward, Esq., without prejudice for failure to effect service and why the Court should allow an extension of time to effect service. (ECF No. 3.) To date, Plaintiff has not made proof of service to the Court as required by Federal Rule of Civil Procedure 4(l) or responded in any way to the Show Cause Order.

Plaintiff was previously cautioned that failure to perfect service over Defendant would result in her claims against Defendants being dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m). (ECF No. 3.) It is therefore **RECOMMENDED** that Plaintiff's claims against Defendants Judge Michael Holbrook, Prosecutor Tyler McCoy, and Ryan Ward, Esq., be **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m) for failure to timely effect service.

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).

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE