

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CORBIN JUSTIN HOWARD I, ,

Plaintiff,

:

Case No. 3:09-cv-355

-vs-

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

:

NORWEST MORTGAGE, INC., et al.,

Defendants.

REPORT AND RECOMMENDATIONS

This case was filed September 14, 2009. The next day, having completed review under 28 U.S.C. § 1915, the Magistrate Judge ordered the Clerk to notify Plaintiff that he had not signed the Complaint nor furnished the necessary forms to effect service of process. The Clerk did so the same day, but Plaintiff has failed to file a signed complaint nor has he obtained the issuance of process or furnished Marshal Form 185's for service of process.

It is accordingly respectfully recommended that the Complaint herein be dismissed without prejudice for want of prosecution.

November 11, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by one of the methods of service listed in Fed. R.Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portion of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *United States v. Walters*, 638 F. 2d 947 (6th Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).