

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

JOHN PETERS, III,	:	Case No. 3:11-cv-336
	:	
Plaintiff,	:	District Judge Walter H. Rice
	:	Magistrate Judge Michael J. Newman
vs.	:	
	:	
DAYTON POLICE DEPARTMENT	:	
SECURED LOT FOR STORAGE,	:	
	:	
Defendant.	:	

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

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The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael J. Newman (doc. #4), to whom this case was referred pursuant to 28 U.S.C. § 636(b) and, noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendation.

Accordingly, it is hereby **ORDERED** that the complaint be dismissed without prejudice due to *pro se* Plaintiff's failure to timely serve Defendant and on account of Plaintiff's lack of prosecution.

March 23, 2012.

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Walter H. Rice,  
United States District Judge