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

JOSEPH M. RIEGER,

Plaintiff,

vs.

GENERAL DYNAMICS,

Defendant.

Case No.: 3:13-cv-402

Judge Walter H. Rice
Magistrate Judge Michael J. Newman

REPORT AND RECOMMENDATION[1]

The Court previously granted Defendant's motion for a 21-day extension of time in which to file an answer or otherwise respond to *pro se* Plaintiff's complaint. Doc. 6. Now before the Court is *pro se* Plaintiff's motion for a "default judgment and rejection of Defendant's request for [an] enlargement of time." Doc. 7.

Recognizing that the Court has previously granted Defendant additional time in which to respond to the complaint, Plaintiff's challenge to that Order is untimely and merits denial. Additionally, recognizing that the 21-day period referenced above has not expired, Plaintiff's motion for default judgment is, at this time, premature.

Accordingly, the Court **RECOMMENDS** that Plaintiff's motion (doc. 7) be denied.

December 17, 2013

/s Michael J. Newman
United States Magistrate Judge

[1] Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

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 **FOURTEEN** days after being served with this Report and Recommendation. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report and Recommendation is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F), and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report and Recommendation objected to, and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is 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 portions 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 **FOURTEEN** days after being served with a copy thereof. As is made clear above, this period is likewise extended to **SEVENTEEN** days if service of the objections is made pursuant to Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140, 153-55 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).