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

WARREN EASTERLING, :

Case No. 3:14-cv-217

Petitioner,

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

-vs-

JUDGE MARY DONOVAN, et al., ,

Respondents. :

REPORT AND RECOMMENDATIONS

This case is before the Court *sua sponte*. On July 8, 2014, the Court entered a notation order denying Petitioner's Motion to Stay which was filed very shortly after the Complaint and noting that Petitioner had neither paid the filing fee nor been given permission to proceed *in forma pauperis*. The case came back to the Magistrate Judge's attention because the Clerk filed a copy of Petitioner's Motion for Relief from Judgment in Case No. 3:14-cv-130 in this case.

On March 1, 2015, the Magistrate Judge denied Petitioner's Motion for Leave to Proceed *in forma pauperis* as moot (Notation Order). Petitioner has never objected nor paid the filing fee.

Accordingly it is respectfully recommended that this case be dismissed without prejudice for want of prosecution.

June 6, 2015.

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

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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 Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). 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 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. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).