

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

DONNIE D. ESHELMAN,	:	
	:	
Plaintiff,	:	Case No. 3:16cv00345
	:	
vs.	:	
	:	District Judge Walter H. Rice
MESSER CONSTRUCTION CO.,	:	Magistrate Judge Sharon L. Ovington
	:	
Defendant.	:	

DECISION AND ENTRY

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #10), to whom this case was originally 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 Recommendations. It is therefore

ORDERED that:

1. The Report and Recommendations docketed on May 19, 2017 (Doc. #10) is ADOPTED in full;
2. Defendant’s Motion to Dismiss for Failure to Prosecute (Doc. #8) is granted and Plaintiff’s Complaint is dismissed without prejudice; and
3. The case is terminated on the Court’s docket.



 Walter H. Rice
 United States District Judge