

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

BARCLAY TABER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-12-1113-D
)	
JUSTIN JONES, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Purcell recommends that Plaintiff’s request to dismiss two unserved defendants should be granted. The record reflects no timely objection to the Report, and thus, the Court finds further review is waived. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 16] is ADOPTED. Plaintiff’s Motion to Dismiss [Doc. No. 15] is GRANTED, and Defendants Claud Chester and Theresa Holsten are DISMISSED WITHOUT PREJUDICE. The case remains under referral to Judge Purcell for further proceedings with respect to the Complaint against Defendant Justin Jones.

IT IS SO ORDERED this 2nd day of April, 2013.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE