

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

KIFAH MUHAMMADU AL-FUYUDI,)
Plaintiff,)
v.) Case No. CIV-12-1170-D
CORRECTION CORPORATION OF)
AMERICA, et al.,)
Defendants.)

ORDER

This matter is before the Court for review of the Report and Recommendation [Doc. No. 78], issued by United States Magistrate Judge Bernard M. Jones pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Jones recommends a dismissal without prejudice of Plaintiff’s action against three defendants – Warden Fred Figueroa, Mr. Griffin, and “Head of Maintenance” (Merle Eppert) – due to Plaintiff’s failure to prosecute his case, and, as to two defendants (Griffin and Eppert), failure to effect service of process.¹

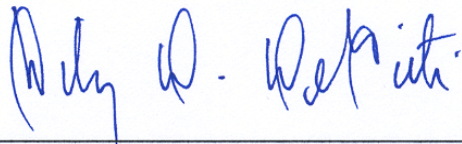
Plaintiff has neither filed a timely objection to this Report nor requested additional time to object, although he was advised of his rights and given notice of the waiver rule. Under the circumstances shown by the case record, the Court finds that Plaintiff has waived further judicial review. See Moore 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).²

1 A second Report and Recommendation regarding Plaintiff’s action against other defendants [Doc. No. 77], to which Plaintiff has objected, will be addressed by a separate order.

2 Plaintiff has elected to object only to a separate Report issued the same day. See note 1 supra.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 78] is ADOPTED in its entirety. This action is DISMISSED without prejudice to refiling as to Defendants Fred Figueroa, Mr. Griffin, and “Head of Maintenance” (Merle Eppert). A judgment of dismissal of these defendants shall be included in the final judgment to be entered after the disposition of all claims and parties.

IT IS SO ORDERED this 26th day of February, 2016.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE