

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

LAWRENCE AHLDEN,)	
)	
Plaintiff,)	
vs.)	NO. CIV-16-0356-HE
)	
HECTOR RIOS, JR., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff, a state prisoner appearing *pro se*, filed this § 1983 action alleging violations of his constitutional rights. Pursuant to 28 U.S.C. §636(b)(1)(B), the matter was referred to Magistrate Judge Shon T. Erwin for initial proceedings. He has recommended that it be dismissed without prejudice due to plaintiff's failure to effect service.

The magistrate judge, by order entered on June 20, 2016 [Doc. #15], directed plaintiff to serve each defendant and advised him that "[t]he failure to timely file proof of service could result in dismissal of the action." *Id.* at p. 5. Plaintiff did not comply with the magistrate judge's order. He did not file proofs of service, submit the copies required for service to be effected or seek an extension of time within which to serve the defendants. He also failed to object to the magistrate judge's Report and Recommendation recommending that the action be dismissed. Plaintiff thereby waived his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C).

Accordingly, the court **ADOPTS** Magistrate Judge Erwin's Report and Recommendation and dismisses the action without prejudice for failure to comply with the magistrate judge's order regarding service of process and to effect service of process.

IT IS SO ORDERED.

Dated this 17th day of October, 2016.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE