

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF TENNESSEE
 at CHATTANOOGA

FRANK DEPINTO,)

Plaintiff,)

v.)

HAMILTON COUNTY,)
 TENNESSEE, *et al.*,)

Defendants.)

Case No. 1:13-cv-269

Judge Mattice

Magistrate Judge Carter

ORDER

On January 22, 2014, United States Magistrate Judge William B. Carter filed a Report and Recommendation (Doc. 7) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that this action be dismissed and the application to proceed *in forma pauperis* be denied as moot.

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed the record in this matter, and it agrees with the Magistrate Judge's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact and conclusions of law. Plaintiff's claim is hereby **DISMSSED WITHOUT PREJUDICE** and his application to proceed *in forma pauperis* is hereby **DENIED AS MOOT**.

¹ Magistrate Judge Carter specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 45); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings").

SO ORDERED this 10th day of March, 2014.

 /s/ *Harry S. Mattice, Jr.*
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE