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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

FRANK DEPINTO,	)	
	)	
Plaintiff,	)	
	)	Case No. 1:13-cv-334
v.	)	
	)	Judge Mattice
OFFICER TAYLOR, *et al.*,	)	Magistrate Judge Carter
	)	
Defendants.	)	
	)	

ORDER

On January 22, 2014, United States Magistrate Judge William B. Carter filed his Report and Recommendation (Doc. 5) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(a). Magistrate Judge Carter recommended that, pursuant to 28 U.S.C. § 1915, Plaintiff's action be dismissed for lack of subject matter jurisdiction. (*Id.*).

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

[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 any right to appeal. (Doc. 5 at 3 n.2); *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"). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file objections has now expired.

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Accordingly,

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);

- Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. 1) is **DENIED**;

- This case is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED this 18th day of February, 2014.

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