

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

GATHA NOVIS LOGAN, JR.,

Plaintiff,

v.

CARTA CARE-A-VAN,

Defendant.

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Case No. 1:15-cv-303

Judge Mattice
Magistrate Judge Steger

ORDER

On February 25, 2016, United States Magistrate Judge Christopher H. Steger filed his Report and Recommendation (Doc. 3). Magistrate Judge Steger recommended that (1) Plaintiff’s action be dismissed without prejudice, and (2) that the Application to Proceed *In Forma Pauperis* (Doc. 1) be denied.

Plaintiff has filed no objections to the Magistrate Judge’s Report and Recommendation.¹ Nevertheless, the Court has conducted a review of the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Steger’s well-reasoned conclusions. Specifically, the Court finds that Plaintiff has failed to allege any facts indicating that he has a disability or that he was being denied benefits under a City program. Plaintiff’s complaint thus fails to establish a *prima facie* case of disability discrimination under Title II of the Americans with Disabilities Act. *See Anderson v. City of Blue Ash*, 798 F.3d 338, 357 (6th Cir. 2015).

¹ Magistrate Judge Steger 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. 3 at 2 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 any objections has now expired.

Accordingly,

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Steger's Report and Recommendation (Doc. 3);
- Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 1) is hereby **DENIED**; and
- Plaintiff's Complaint (Doc. 2) is hereby **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 4th day of April, 2016.

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