

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF TENNESSEE

DAVID SHELL, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No.: 3:17-CV-59-TAV-HBG
	)	
DAVID PURKEY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This civil matter is before the Court on the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton, on June 23, 2017 (the “R&R”) [Doc. 55]. In the R&R, Judge Guyton recommends that plaintiffs’ Motion to Certify Class [Doc. 2] be denied with leave to refile after the parties have completed the discovery necessary to properly consider the merits of class certification. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

After a careful review of the matter, the Court is in agreement with Magistrate Judge Guyton’s recommendations, which the Court adopts and incorporates into its ruling. As such, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 55]. Plaintiffs’ Motion to Certify Class [Doc. 2] is hereby **DENIED without prejudice**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
 CHIEF UNITED STATES DISTRICT JUDGE