

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ORDER

On October 30, 2017, United States Magistrate Judge C. Clifford Shirley, Jr., filed his Report and Recommendation (Doc. 4) pursuant to 28 U.S.C. § 636(b)(1). Magistrate Judge Shirley recommended that Plaintiff's complaint be dismissed due to jurisdictional deficiencies based on lack of subject-matter jurisdiction. (Doc. 4.)

Neither party has filed any objection to Magistrate Judge Shirley'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 Shirley's well-reasoned conclusions.

¹ Magistrate Judge Shirley specifically advised Plaintiff that he had fourteen days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 4, at 5 n.3); *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”). After a mailing to Plaintiff was returned as undeliverable on November 2, 2017 (Doc. 5), the Court mailed Magistrate Judge Shirley’s Report and Recommendation to Plaintiff’s updated address on November 20, 2017. Even taking into account three additional days for service provided by Federal Rule of Civil Procedure 6(d), the period in which Plaintiff could timely file any objections has now expired.

Accordingly, the Court will: (1) **ACCEPT** and **ADOPT** Magistrate Judge Shirley's Report and Recommendations (Doc. 4); (2) **DISMISS** this case **WITHOUT PREJUDICE** for lack of subject-matter jurisdiction; and (3) **DISMISS AS MOOT** Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2).

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ *Travis R. McDonough*

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE