Bright v. Cantrell et al Doc. 6

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at WINCHESTER

EDNA BRIGHT,)	
)	
Plaintiff,)	
)	Case No. 4:16-cv-53
V.)	
)	Judge Mattice
BEN CANTRELL, et al.)	Magistrate Judge Steger
)	
Defendants.)	
	,)	
	,	

ORDER

On May 1, 2017, United States Magistrate Judge Christopher H. Steger filed his Report and Recommendation. (Doc. 5). Magistrate Judge Steger recommended that (1) this action be dismissed without prejudice because the claims asserted are barred the doctrine of *res judicata* and the *Rooker-Feldman* doctrine, and (2) Plaintiff's application to proceed *in forma pauperis* be denied as moot. (*Id.* at 3–4).

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.² 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.

Accordingly,

_

¹ See Dist. of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983); Rooker v. Fid. Trust Co., 263 U.S. 413 (1923).

² Magistrate Judge Steger specifically advised Plaintiff that she had 14 days in which to object to the Report and Recommendation and that failure to do so would waive her right to appeal. (Doc. 5 at 4 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.

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Steger's findings of fact, conclusions of law, and recommendations (Doc. 5);
- Plaintiff's Motion for Leave to Proceed In Forma Pauperis, (Doc. 4), is hereby
 DENIED AS MOOT; and
- Plaintiff's Complaint, (Doc. 2), is hereby DISMISSED WITHOUT
 PREJUDICE.

SO ORDERED this 1st day of June, 2017.

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