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UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH- CENTRAL DIVISION

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QUINTIN DROLLINGER,

Plaintiff,

v.

DAVID RICHARDS and AYMEE  
RICHARDS,

Defendants.

**ORDER ADOPTING REPORT &  
RECOMMENDATION AND  
DISMISSING CASE**

Case No. 2:15-cv-00660-RJS-DBP

Judge Robert J. Shelby

Magistrate Judge Dustin R. Pead

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Plaintiff Quintin Drollinger instigated this action by filing a civil rights Complaint in September 2015.<sup>1</sup> On October 20, 2015, this case was referred to Magistrate Judge Dustin B. Pead pursuant to 28 U.S.C. § 636(b)(1)(B).<sup>2</sup>

On December 2, 2016, Judge Pead issued an Order to Show Cause in view of Drollinger's failure to that date to provide the court with proof of service of a summons and the Complaint on the Defendants.<sup>3</sup> Rule 4(l)(1), Federal Rules of Civil Procedure, required Drollinger to make such proof to the court. And at the time Drollinger filed suit, Rule 4(m) required him to effectuate such service within 120 days.<sup>4</sup> Judge Pead ordered Drollinger to respond to the court in writing within fifteen days to show cause why the case should not be

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<sup>1</sup> Dkt. 3.

<sup>2</sup> Dkt. 4.

<sup>3</sup> Dkt. 5

dismissed for failure to prosecute, warning that “[f]ailure to do so will result in dismissal of the case.”<sup>5</sup> The court’s docket shows no response from Drollinger to Judge Pead’s Order.

On December 21, 2016, Judge Pead issued a Report and Recommendation<sup>6</sup> in which he recounted the above-discussed facts and recommended that the undersigned dismiss Drollinger’s Complaint without prejudice based on his failure to prosecute his case. Judge Pead in his Report and Recommendation stated that parties may file written objections to it within fourteen days, and that “[f]ailure to object may constitute a waiver of objections upon subsequent review.”<sup>7</sup>

To date, no party has filed any objection to Judge Pead’s Report and Recommendation. Any objection filed at this point would be untimely. Moreover, the court’s careful review of the record leads it to conclude that Judge Pead’s Report and Recommendation is correct and should be adopted.

Based upon the foregoing, Plaintiff’s Complaint is DISMISSED. The Clerk of Court is directed to close this case.

SO ORDERED this 11th day of January, 2017.

BY THE COURT:



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ROBERT A. SHELBY  
United States District Judge

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<sup>5</sup> *Id.* at 2.

<sup>6</sup> Dkt. 6.

<sup>7</sup> Dkt. 6 at 2.