

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICHARD L. MONROE,

Plaintiff,

v.

CITY OF MILWAUKEE TAX SERVICE
and WISCONSIN UNEMPLOYMENT
DIVISION,

Defendants.

Case No. 20-CV-1325-JPS

ORDER

On August 28, 2020, Plaintiff filed a *pro se* complaint and a motion for leave to proceed *in forma pauperis*, (Docket #1, #2), and his case was assigned to Magistrate Judge William E. Duffin. Plaintiff also submitted a signed magistrate judge jurisdiction consent form (“Consent Form”), but he did not check a box indicating whether he actually consented or refused magistrate judge jurisdiction. (*See* Docket #3). Pursuant to General Local Rule 3(a)(1), parties must file the completed Consent Form within 21 days.

On September 2, 2020, the Clerk of Court sent Plaintiff a letter informing him of this oversight and instructing him to check the appropriate box on the Consent Form and resubmit his letter. (Docket #3-1). About a month later, Magistrate Judge Duffin ordered Plaintiff to return the Consent Form within 21 days of the date of the order. (Docket #4 at 1–2). Magistrate Judge Duffin also informed Plaintiff that if he did not comply, he would recommend that Plaintiff’s action be dismissed for failure to prosecute. (*Id.* at 2). To date, Plaintiff has not filed a completed magistrate consent form with the Court.

On November 2, 2020, Magistrate Judge Duffin recommended that this Court dismiss Plaintiff's complaint and this action for Plaintiff's failure to prosecute, pursuant to Civil Local Rule 41(c). (Docket #5). Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b)(2), and General Local Rule 72(c), Plaintiff must have filed any written objections to that recommendation, or any part thereof, within fourteen days of the date of service of the recommendation. Plaintiff has not filed any such objection. The Court has considered Magistrate Judge Duffin's recommendation (Docket #5), and, having received no objection thereto, will adopt it. The Court will also dismiss this action without prejudice. Thus, the Court will deny Plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) as moot.

Accordingly,

IT IS ORDERED that Magistrate Judge William E. Duffin's report and recommendation (Docket #5) be and the same is hereby **ADOPTED**;

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED without prejudice**; and

IT IS FURTHER ORDERED that Plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **DENIED as moot**.

The Clerk of Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 6th day of January, 2021.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge