

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TANYA RAE SMITH,)
)
Plaintiff,)
)
vs.) 1:13-cv-00441-RLY-DML
)
ITT TECHNICAL INSTITUTE,)
)
Defendant.)

**ORDER ADOPTING THE MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION**

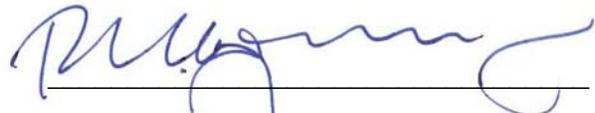
Tanya Rae Smith, Plaintiff, filed this action against ITT Technical Institute, Defendant, to redress fraudulent misrepresentations allegedly made to her during the admissions process. On September 12, 2013, the court stayed Plaintiff’s lawsuit and compelled her to arbitrate the dispute.

After more than two years of silence, the Magistrate Judge required the parties to file status reports. The parties indicated that arbitration had never been initiated. Therefore, the Magistrate Judge issued an Order to Show Cause, directing the parties to explain why the case should not be dismissed. Both parties filed responses. The Magistrate Judge subsequently issued her Report and Recommendation, recommending that the court dismiss Plaintiff’s Complaint without prejudice because the arbitration compelled by the court had not, after more than two years, been initiated.

Because neither party has filed an objection to the Report and Recommendation, the court reviews it for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th

Cir. 1999). After reviewing the record and the Report and Recommendation, this court is satisfied that the Magistrate Judge did not commit clear error. Therefore, the court **ADOPTS** the Magistrate Judge's Report and Recommendation (Filing No. 42) and **DISMISSES** Plaintiff's Complaint without prejudice.

SO ORDERED this 30th day of March 2016.



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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