

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10984

Non-Argument Calendar

KWANG YOUNG SHIN,

Plaintiff-Appellant,

versus

SUN POULTRY SERVICES, INC.,
(Owner: Shim Jae Young),

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:23-cv-04439-MHC

Before WILLIAM PRYOR, Chief Judge, and ROSENBAUM and GRANT, Circuit Judges.

PER CURIAM:

Kwang Shin appeals *pro se* the dismissal of his amended complaint alleging that his former employer, Sun Poultry Services, Inc., discriminated against him because of his race, nationality, and age, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* The district court dismissed Shin’s amended complaint without prejudice for failure to properly serve his former employer and failure to prosecute. We affirm.

Shin abandoned any argument that the district court erred in dismissing his amended complaint for failure to properly serve his former employer or prosecute his case because he failed to challenge either ruling in his opening brief. *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014) (“When an appellant fails to challenge properly on appeal one of the grounds on which the district court based its judgment, he is deemed to have abandoned any challenge of that ground, and it follows that the judgment is due to be affirmed.”). Even if Shin did not abandon his argument, he waived his appeal by failing to object to the report and recommendation. *See Harrigan v. Metro Dade Police Dep’t Station #4*, 977 F.3d 1185, 1191–92 (11th Cir. 2020). The magistrate judge warned Shin that he must file proof of service or otherwise show cause why

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his complaint should not be dismissed. The magistrate judge also warned Shin that failing to object “waives the right to challenge on appeal the District Court’s order based on any factual or legal conclusions in the report and recommendation to which no objection was timely made.” Shin did not comply with the magistrate judge’s order, nor did he object that his complaint should not be dismissed. By failing to object to the report and recommendation after being warned of all “the consequences on appeal for failing to object,” he waived any challenge he could have made to the adverse ruling. *Id.*

We **AFFIRM** the dismissal of Shin’s amended complaint.