UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANGEL BARTLETT,

Plaintiff,

v.

BORGESS HOSPITAL, et al.,

Defendants.
_____/

Case No. 1:17-cv-1138

HON. JANET T. NEFF

OPINION AND ORDER

Plaintiff initiated this action against Borgess Hospital and Ascension Health for alleged violations of various state and federal laws. Plaintiff's primary claim is that individuals employed by Defendants fabricated laboratory tests, which inaccurately revealed she had been consuming illegal drugs while pregnant, and led to the termination of her parental rights. Defendants filed a motion to dismiss, arguing that Plaintiff's allegations failed to state a claim (ECF No. 16). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending Defendants' motion be granted and this action terminated (ECF No. 37). The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

Plaintiff's filings in this matter are prolific. Since the issuance of the Magistrate Judge's Report and Recommendation, Plaintiff has filed over 1,600 pages of documents which purportedly

support her claims. Plaintiff's objection to the Report and Recommendation consists of a single page, stating: "This motion to dismiss being granted is wrongful and I have all the reasons listed on the complaint[.] I just submitted all the actual proofs. Please rea[d] all the highlighted areas. Please do not allow Borgess to win." (ECF No. 38 at PageID.932).

An objection to a magistrate judge's report and recommendation must "specifically identify the portions of the proposed findings, recommendations, or report to which objections are made and the basis for such objections." W.D. Mich. LCivR 72.3(b). The undersigned's review is limited to "those portions of the report or specified proposed findings or recommendations to which objections are made." *Id*.

To the extent that Plaintiff's objections only refer back to her arguments in the original complaint, they do not comply with the Local Rule and are not reviewable objections. Even upon review of Plaintiff's numerous supplements and motions in their entirety, Plaintiff has failed to mention any specific objections to the Report and Recommendation or cure the defects in her claim articulated by the Magistrate Judge (ECF No. 37 at PageID.927-31). Therefore, Plaintiff's objections fail to demonstrate any factual or legal error in the Magistrate Judge's analysis or conclusion. The undersigned finds the Magistrate Judge's analysis to be sound for the reasons stated in the Report and Recommendation.

Finally, the multitude of new arguments raised by Plaintiff subsequent to the Report and Recommendation, which were not raised before the Magistrate Judge, are procedurally barred. *See United States v. Waters*, 158 F.3d 933, 936 (6th Cir. 1998). Further, Plaintiff's has belatedly filed supplements after the time period permitted for objections to the Report and Recommendation, contrary to 28 U.S.C. § 636(b)(1)(C) and local court rules. The Court has no obligation to consider such belated repetitive filings following the Report and Recommendation,

and, regardless, they do not warrant a different result. Having resolved all of Plaintiff's claims and objections, Plaintiff's motions (ECF No. 28; ECF No. 32; ECF No. 44; ECF No. 45; ECF No. 46; ECF No. 64; ECF No. 65; ECF No. 69) and Defendants' motions (ECF No. 33; ECF No. 52) are denied as moot.

Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. Because this action was filed *in forma pauperis*, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 38) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 37) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (ECF No. 16) is GRANTED, and this action is terminated.

IT IS FURTHER ORDERED that Plaintiff's motions (ECF No. 28; ECF No. 32; ECF No. 44; ECF No. 45; ECF No. 46; ECF No. 64; ECF No. 65; ECF No. 69) are DENIED as moot.

IT IS FURTHER ORDERED that Defendants' Motions to Strike (ECF No. 33; ECF No. 52) are DENIED as moot.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: September 21, 2018

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge