

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JEROME ALAN CHARBONEAU,

Plaintiff,

Case Number 07-12929-BC
Honorable Thomas L. Ludington

v.

MATTHEW JORDAN,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on November 25, 2008. The magistrate judge recommends denying Defendant's motion for summary judgment. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt # 17] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment [Dkt. # 11] is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: March 16, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 16, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS