

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOEY OLIVER,

Plaintiff,

v.

Case Number 08-11768-BC
Honorable Thomas L. Ludington

DOUGLAS VASBINDER, ET AL.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGEMENT, DISMISSING
BOTH DEFENDANTS WITH PREJUDICE, AND DISMISSING STATE LAW CLAIMS
WITHOUT PREJUDICE**

Magistrate Judge R. Steven Whalen issued a report and recommendation on February 10, 2010, recommending that Defendants' motion for summary judgment be granted, both remaining Defendants be dismissed with prejudice, and Plaintiff's state law claims be dismissed without prejudice. Either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 29] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment [Dkt. # 21] is **GRANTED**.

It is further **ORDERED** that Defendants Palus and Salinas are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that Plaintiff's state law claims are **DISMISSED WITHOUT PREJUDICE**.

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

Dated: March 4, 2010

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 4, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS