

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ALI SAREINI,

Plaintiff,

Case Number 08-13961-BC  
Honorable Thomas L. Ludington

v.

DAVE BURNETT, RADWAN MARDINI,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING  
WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR PARTIAL SUMMARY  
JUDGMENT, DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND  
PLAINTIFF'S MOTION FOR CLASS CERTIFICATION AND MOTION TO APPOINT  
COUNSEL**

This matter is before the Court on a report and recommendation [Dkt # 37] issued by Magistrate Judge Virginia M. Morgan on June 30, 2009. The magistrate judge recommends that the Court deny without prejudice certain motions that had been pending at the time that Plaintiff filed an amended complaint. The motions include Plaintiff's motion for partial summary judgment [Dkt. # 5], Defendants' motion for summary judgment [Dkt. # 12], and Plaintiff's motion for class certification and motion to appoint counsel [Dkt. # 30]. 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

# 37] is **ADOPTED**.

It is further **ORDERED** that Plaintiff's motion for partial summary judgment [Dkt. # 5], Defendants' motion for summary judgment [Dkt. # 12], and Plaintiff's motion for class certification and motion to appoint counsel [Dkt. # 30] are **DENIED WITHOUT PREJUDICE**.

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

Dated: July 30, 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 July 30, 2009.

s/Tracy A. Jacobs  
TRACY A. JACOBS