

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.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING IN PART
AND DENYING IN PART DEFENDANTS' MOTION FOR SUMMARY JUDGMENT,
DISMISSING PLAINTIFF'S CLAIMS AGAINST DEFENDANT MARDINI, AND
DISMISSING PLAINTIFF'S RELIGIOUS SERVICES FREE EXERCISE CLAUSE
CLAIM AGAINST DEFENDANT BURNETT**

This matter is before the Court on a report and recommendation [Dkt # 43] issued by Magistrate Judge Virginia M. Morgan on December 21, 2009. While noting that pro se Plaintiff Ali Sareini did not file a response to Defendants Dave Burnett and Radwan Mardini's motion for summary judgment [Dkt. # 41], the magistrate judge recommends that the Court grant in part and deny in part Defendants' motion. The magistrate judge recommends granting summary judgment to Defendant Mardini because he was not an active participant in any alleged violations of federal law, and to Defendant Burnett on Plaintiff's religious services claim under the Free Exercise Clause of the First Amendment because the challenged policy is reasonably related to a legitimate penological objective. The magistrate judge recommends denying Defendant Burnett summary judgment on the remainder of Plaintiff's claims, which include, inter alia, religious diet, property, and holiday claims under the Free Exercise Clause, and an Equal Protection claim.

As of today's date, no party has filed any objections to the magistrate judge's report and

recommendation. A party's decision not to object 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, a party's decision not 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 # 43] is **ADOPTED**.

It is further **ORDERED** that Defendants' motion for summary judgment [Dkt. # 41] is **GRANTED IN PART AND DENIED IN PART**.

It is further **ORDERED** that Plaintiff's claims against Defendant Mardini are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that Plaintiff's religious services Free Exercise Clause claim against Defendant Burnett is **DISMISSED WITH PREJUDICE**.

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

Dated: January 22, 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 January 22, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS