

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TERRY M. HOWLEY,

Plaintiff,

v.

Case Number 08-13976-BC
Honorable Thomas L. Ludington

UNITED STATES PATENT AND
TRADEMARK OFFICE, *et al.*,

Defendants.

_____/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFF'S COMPLAINT SUA SPONTE**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Charles E. Binder on October 22, 2008. The magistrate judge recommended that the Court dismiss Plaintiff Terry M. Howley's complaint for failure to state a claim upon which relief can be granted. None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation 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. # 6] is **ADOPTED**.

It is further **ORDERED** that Plaintiffs' complaint [Dkt. # 1] is **DISMISSED**.

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

Dated: November 7, 2008

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 November 7, 2008

s/Tracy A. Jacobs
TRACY A. JACOBS