

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

LANCE LANDRUM,

Plaintiff,

Case Number 08-15199-BC  
Honorable Thomas L. Ludington

v.

VETERANS HOSPITAL ADMINISTRATION,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING  
DEFENDANT'S MOTION TO DISMISS COMPLAINT, AND DISMISSING  
COMPLAINT FOR LACK OF JURISDICTION**

This matter is before the Court on a report and recommendation issued by Magistrate Judge Charles E. Binder on March 20, 2009. The magistrate judge recommends granting Defendant's motion to dismiss because Plaintiff's claims are within the exclusive jurisdiction of the Veterans Administration. 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 # 6] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to dismiss complaint [Dkt. # 2] is **GRANTED**.

It is further **ORDERED** that Plaintiff's complaint is **DISMISSED FOR LACK OF JURISDICTION**.

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

Dated: April 17, 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 April 17, 2009.

s/Tracy A. Jacobs  
TRACY A. JACOBS