

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALPENA ALCONA AREA
CREDIT UNION,

Plaintiff,

CASE NO. 10-CV-12537

v.

DISTRICT JUDGE THOMAS LUDINGTON
MAGISTRATE JUDGE CHARLES BINDER

JEAN DOLSEN SCHOOK,

Defendant.

_____ /

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
REMANDING TO STATE COURT**

Magistrate Judge Charles E. Binder issued a report and recommendation [Dkt. #12] on September 15, 2010, recommending that the case be remanded to state court because this Court lacks subject matter jurisdiction. 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. #12] is **ADOPTED**.

It is further **ORDERED** that Defendant Jean Shook's counterclaims [Dkt. #2] are **VOID**.

It is further **ORDERED** that the case is **REMANDED** to the State of Michigan's 88th Judicial District Court.

It is further **ORDERED** that Third Party Defendants' White, Mock, and White Clark and

Mock's Motion to Dismiss [Dkt. #7] is **DENIED AS MOOT**.

It is further **ORDERED** that Plaintiff/Counter Defendant Alpena Alcona Area Credit Union's Motion to Dismiss and for Sanctions [Dkt. #9] is **DENIED AS MOOT**.

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

Dated: November 10, 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 November 10, 2010.

s/Felicia Moses for Tracy A. Jacobs
TRACY A. JACOBS