

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JESSICA SPRAGG &
MATTHEW SPRAGG,

Plaintiffs,

v.

Case Number 11-10056-BC
Honorable Thomas L. Ludington

ALPENA REGIONAL MEDICAL CENTER,
ALPENA OB/GYN, PC, and UNITED
STATES OF AMERICA,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING THE UNITED STATES' MOTION TO DISMISS, DISMISSING
PLAINTIFF'S CLAIMS AGAINST THE UNITED STATES, AND REMANDING
PLAINTIFF'S REMAINING CLAIMS TO STATE COURT**

Magistrate Judge Charles E. Binder issued a report and recommendation [Dkt. # 14] on March 11, 2011, recommending that the Court grant the United States' motion to dismiss for lack of subject matter jurisdiction. Judge Binder further recommended that Plaintiff's claims against Alpena Regional Medical Center and Alpena OB/GYN, PC, be remanded to state court. Any party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that the Judge Binder's report and recommendation [Dkt. # 14] is **ADOPTED**.

It is further **ORDERED** that the United States' motion to dismiss [Dkt. # 12] is **GRANTED**.

It is further **ORDERED** that Plaintiff's claims against the United States are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction and Plaintiff's remaining claims are **REMANDED** to the Alpena County Circuit Court.

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

Dated: April 7, 2011

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 7, 2011.

s/Tracy A. Jacobs _____
TRACY A. JACOBS