UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ROSETTA FERGUSON,

Plaintiff,

Case No. 14-cv-11808

v

Honorable Thomas L. Ludington
Magistrate Judge Patricia Morris

MASTROMARCO FIRM,

Defendant.

_____/

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

On May 6, 2014, Plaintiff Rosetta Ferguson filed a complaint against Defendant Mastromarco Firm alleging legal malpractice. ECF No. 1. Specifically, she claimed that Defendant was "negligent in representing me, breached the fiduciary duty to act properly, failed to resolve my case in a timely manner and failed to pay money owed." *Id*. at 3.

On May 28, 2014, Magistrate Judge Patricia T. Morris issued a report recommending that Plaintiff's complaint be sua sponte dismissed. Magistrate Judge Morris concluded that this Court does not have subject matter jurisdiction over Plaintiff's legal malpractice claims. Plaintiff attempted to bring the case into this Court's jurisdiction by noting that "at the time of initial injury I was employed by the federal government. I'm currently a full time student being supported by federal student aid." ECF No. 1 at 2. Neither of these grounds creates federal subject matter jurisdiction. Diversity jurisdiction pursuant to 28 U.S.C. § 1332 is not applicable, and Plaintiff's legal malpractice claims do not arise under federal statutes, 28 U.S.C. § 1331. Accordingly, Magistrate Judge Morris recommended dismissal of Plaintiff's complaint.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections 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). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 6) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**.

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

Dated: June 16, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon Rosetta Ferguson, at 4028 Fulton Street, Saginaw, Michigan 48601 by first class U.S. mail on June 16, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS