UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

PATRICIA L. WIESZCIECINSKI,

Plaintiff,

Case No. 14-cv-12728

v

Honorable Thomas L. Ludington
Magistrate Judge Patricia Morris

DAVE LABRENZ and KAY COOPER,

Defendants.

_____/

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

On July 11, 2014, Plaintiff Patricia Wieszciecinski filed a complaint against Defendants, alleging "Wrongful eviction 1 loss of ALL Real property". Compl. at 2, ECF No. 1. Wieszciecinski further alleged that:

> His tenant in #8 is making it hard to live there. She is older and on SSI sheltering (3) homeless adults (1) w/child. The husband has flattened 2 of my tires and Kay Broke 3 screeens. also sold me a TV $50.00 that belongs to stoled my grill Noisy & filthy drugs involved[.] [sic throughout]

Id. at 3. Wieszciecinski contends that this Court has jurisdiction because the United States Government is a Plaintiff in the case. *Id*. at 5.

On August 15, 2014, Magistrate Judge Patricia Morris issued a report recommending that Wieszciecinski's complaint be dismissed for lack of subject matter jurisdiction. Judge Morris noted that although "Plaintiff's purported basis for this court's jurisdiction is that the U.S. Government is a Plaintiff . . . the United States is not a party to this action." Rep. & Rec. 4, ECF No. 13. Moreover, Judge Morris determined that neither federal question jurisdiction nor

diversity of citizenship jurisdiction existed. *Id*. Accordingly, Judge Morris recommended dismissal for lack of subject matter jurisdiction. *Id*.

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. 13) is **ADOPTED**.

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

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

Dated: September 8, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each party of record herein by first class U.S. mail on September 8, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS