

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JOHN YESKA,

Plaintiff,

Case No. 16-cv-12395

v.

Honorable Thomas L. Ludington  
Magistrate Judge Patricia T. Morris

EXPERIAN INFORMATION  
SOLUTIONS, INC., et al

Defendant.

/

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING MOTION TO  
DISMISS, DISMISSING COUNTS V AND VI OF PLAINTIFF'S COMPLAINT, AND  
DISMISSING DEFENDANT ACCESS GROUP**

On June 24, 2016, Defendant Trans Union removed this case from the 70-1st Division District Court for Saginaw County, Michigan. ECF No. 1. Plaintiff Yeska's complaint alleges violations of the Fair Credit Reporting Act related to certain "trade lines" that Yeska opened in order to pay for college. Yeska admits that he never made any payments on the lines, but disputes the reporting of those trade lines on his credit reports. All pretrial matters were referred to Magistrate Judge Patricia T. Morris. ECF No. 6. Although only Trans Union was served prior to removal, the other Defendants were subsequently served. On July 18, 2016, Defendant Access Group filed a motion to dismiss. ECF No. 16. In the motion, Access Group argues that Yeska lacks standing and has failed to state a claim as regards the Fair Credit Reporting Act. Access Group requests that Counts V and VI of Yeska's complaint be dismissed.

On December 21, 2016, Judge Morris issued a report recommending that Access Group's motion to dismiss be granted and that Counts V and VI of Plaintiff's complaint be dismissed with prejudice. ECF No. 40. In the report, Judge Morris finds that Yeska has standing to bring

this suit, but that Yeska does not state a claim against Access Group under the Fair Credit Reporting Act. The report explains that Yeska did not adequately allege that Access Group received notice that the credit information was disputed. Likewise, Yeska did not sufficiently allege damages. For those reasons, Judge Morris recommends that Access Group's motion to dismiss be granted and Counts V and VI of the complaint be dismissed.

Counts V and VI of Yeska's complaint are the only claims against Defendant Access Group. Thus, all claims against Access Group will be dismissed with prejudice. Access Group will be dismissed from this suit.

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. 40, is **ADOPTED**.

It is further **ORDERED** that Defendant Access Group's motion to dismiss, ECF No. 16, is **GRANTED**.

It is further **ORDERED** that Counts V and VI of Plaintiff Yeska's Complaint, ECF No. 1, are **DISMISSED with prejudice**.

It is further **ORDERED** that Defendant Access Group is **DISMISSED**.

Dated: January 10, 2017

s/Thomas L. Ludington

THOMAS L. LUDINGTON  
United States District Judge

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 January 10, 2017.

s/Michael A. Sian  
MICHAEL A. SIAN, Case Manager