

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JAMES TAYLOR, III,

Plaintiff,

Case No. 16-cv-14445

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

RICHARD SNYDER, ET AL,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING MOTION TO
DISMISS IN PART, AND DISMISSING PLAINTIFF'S COMPLAINT IN PART**

On December 21, 2016, Plaintiff James Taylor, III, filed a complaint naming Richard Snyder, the Governor of Michigan, and Kristie Etue, the director of the Michigan State Police, as Defendants. ECF No. 1. In the complaint, Taylor alleges that Michigan's sex offender registration act violates several constitutional provisions. All pretrial matters were referred to Magistrate Judge Patricia T. Morris. ECF No. 4. On June 15, 2017, Defendants filed a motion to dismiss, arguing that Taylor filed an unsigned complaint and that Defendants were immune from damages under the Eleventh Amendment. ECF No. 15. On August 9, 2017, Judge Morris issued a report recommending that the motion to dismiss be granted in part and that Taylor's claims for monetary damages against Defendants in their official capacities be dismissed. ECF No. 18.

Judge Morris first explained that Taylor's complaint expressly names Defendants only in their official capacities. As such, the Eleventh Amendment bars his claims for monetary damages. But Taylor is also seeking injunctive relief, which the Eleventh Amendment does not bar. Accordingly, some of his claims survive. Second, Judge Morris explained that, despite Defendants' argument to the contrary, Taylor plainly signed his complaint. Dismissal on that

ground is thus unwarranted. In short, Judge Morris recommended that Taylor's claims for monetary damages be dismissed.

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. Because Taylor's claims for monetary relief are barred by the Eleventh Amendment, they will be dismissed.

Accordingly, it is **ORDERED** that the Magistrate Judge's report and recommendation, ECF No. 18, is **ADOPTED**.

It is further **ORDERED** that Defendants' motion to dismiss, ECF No. 15, is **GRANTED in part.**

It is further **ORDERED** that Plaintiff Taylor's claims for monetary relief, ECF No. 1, are **DISMISSED.**

Dated: August 30, 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 August 30, 2017.

s/Kelly Winslow
KELLY WINSLOW, Case Manager