

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JERRY WINGO, JR.,

Plaintiff,

Case No. 17-cv-11275

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

EXPERIAN INFORMATION SOLUTIONS, INC.,
et al,

Defendants.

/

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING MOTION
TO DISMISS**

On April 20, 2017, Plaintiff Jerry Wingo, Jr., filed a complaint in the 21st District Court of Wayne County. ECF No. In the complaint, Wingo named Experian Information Solutions, Inc., Trans Union, LLC, and North Central Area Credit Union as Defendants. Wingo alleges that Defendants violated the Fair Credit Reporting Act. On April 24, 2017, Defendants removed the suit to the Southern Division of the Federal District Court for the Eastern District of Michigan. ECF No. 1. Defendant North Central Area Credit Union then filed a counterclaim against Wingo, alleging that Wingo failed to make payments on a loan and then did not produce the snowmobile collateral after defaulting. ECF No. 15. On May 9, 2017, the suit was reassigned from the Southern Division to the Northern Division because the Northern Division is the proper venue. ECF No. 17. Subsequently, all pretrial matters were referred to Magistrate Judge Patricia T. Morris. ECF No. 20. On May 26, 2017, Wingo filed a motion to dismiss North Central Area Credit Union's counter claim. ECF No. 23.

On August 9, 2017, Judge Morris issued a report recommending that Wingo's motion to dismiss be denied. Although Wingo asserted that the Court lacked subject matter jurisdiction to review the counterclaim, Judge Morris explained that the counterclaim was covered by the Court's supplemental jurisdiction because it was related to the same fact-pattern as Plaintiff's (federal) claims.

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 this Court has supplemental jurisdiction to review the counterclaim, Wingo's motion to dismiss will be denied.

Accordingly, it is **ORDERED** that the Magistrate Judge's report and recommendation, ECF No. 32, is **ADOPTED**.

It is further **ORDERED** that Defendants' motion to dismiss, ECF No. 23, is **DENIED**.

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