

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOSEPH CURTIS,

Plaintiff,

Case No. 17-cv-13775

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

ST. CLAIR, COUNTY OF, et al,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
COMPLAINT**

On November 21, 2017, Plaintiff Joseph Curtis filed a pro se complaint alleging that prison officials displayed deliberate indifference to his serious mental health needs while detained in the St. Clair County Jail. ECF No. 1. All pretrial matters were referred to Magistrate Judge Patricia T. Morris. ECF No. 7. Between April 23, 2018, and May 4, 2018, Curtis filed five motions seeking discovery from various Defendants. ECF Nos. 41, 42, 43, 44, 52. On June 13, 2018, Judge Morris issued a report recommending that Curtis's claims be sua sponte dismissed because the amended complaint, ECF No. 32, fails to state a claim upon which relief can be based. ECF No. 56.

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. 56, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Curtis's motions for discovery, ECF Nos. 41, 42, 43, 44, 52, are **DENIED as moot**.

It is further **ORDERED** that Plaintiff Curtis's second amended complaint, ECF No. 32, is **DISMISSED**.

Dated: July 12, 2018

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 July 12, 2018.

s/Kelly Winslow
KELLY WINSLOW, Case Manager