

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JASON CRUSE,

Plaintiff,

Case No. 1:20-cv-11632

v.

Honorable Thomas L. Ludington
Magistrate Judge Kimberly G. Altman

CHARLES O. OZUKWE,

Defendant.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT &
RECOMMENDATION, DISMISSING DEFENDANT OZUKWE, AND DISMISSING
THE COMPLAINT**

On May 18, 2020, Plaintiff Jason Cruse file a pro se complaint against Defendants in the Western District of Michigan. ECF No. 1. He alleged that Defendants Ozukwe and Tanner were informed of threats against his life and failed to protect him from a subsequent assault. ECF No. 23 at PageID.95–96. The case was transferred to the Eastern District of Michigan on June 22, 2020. ECF Nos. 1, 2, 3. All pretrial matters were referred to Magistrate Judge Kimberly Altman. ECF No. 13. On December 21, 2020, Defendants filed a motion for summary judgment. ECF No. 17. Despite an order requiring Plaintiff to respond, no response was received. ECF Nos. 20.

On April 20, 2021, Magistrate Judge Altman issued a report and recommended that Defendant Tanner's motion for summary be granted. ECF No. 23. No objections were received and the recommendation was adopted. ECF Nos. 26, 31. On April 20, 2021, Judge Altman also entered an Order requiring Plaintiff to show cause why the claims against Defendant Ozukwe should not be dismissed for failure of service. ECF No. 24. On June 15, 2021, Magistrate Judge Altman issued a report and recommended that Defendant Ozukwe be dismissed without prejudice. ECF No. 32. She noted that Plaintiff "was given until May 20, 2021, to respond to the show cause

order, however, he failed to file a response despite being warned ‘that a failure to respond to this Order may result in recommendation that Ozukwe be dismissed without prejudice.’” ECF No. 32 at PageID.120 (quoting ECF No. 24).

Although the Magistrate Judge’s Report states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the Report, neither party timely 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. *Id.*

Accordingly, it is **ORDERED** that the Magistrate Judge’s Report and Recommendation, ECF No. 32, is **ADOPTED**.

It is further **ORDERED** that Defendant Ozukwe is **DISMISSED WITHOUT PREJUDICE**.

It is further **ORDERED** that Plaintiff’s Complaint, ECF No. 1, is **DISMISSED**.

Dated: July 15, 2021

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