

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LESLIE C. WASHINGTON,

Plaintiff,

v.

Case Number 04-10352

Honorable David M. Lawson

Magistrate Judge Charles E. Binder

BURKS, Correctional Officer, Wayne County,
JOHNSON, Sergeant, Wayne County Jail,
MRS. CHUBBS, Correctional Officer, Wayne
County Jail, MRS. COLEMAN, Correctional
Officer, Wayne County Jail, MRS. JOHNSON,
Correctional Officer, Wayne County Jail,
MRS. KINDRO, Correctional Officer, Wayne County Jail,
MRS. MEARS, Correctional Officer, Wayne County Jail,
MRS. S. BARRONE, UNITED STATES OF AMERICA,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING CLAIMS AGAINST THE DEFENDANT SHERYL BARRONE AND
DENYING AS MOOT THE PLAINTIFF'S MOTION TO HOLD RESPONSE IN
ABEYANCE**

Presently before the Court is the report issued on September 11, 2008 by Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the motion to dismiss claims against the defendant Sheryl Barrone and deny the plaintiff's motion requesting to hold the response in abeyance as moot. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter.

Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 141] is **ADOPTED**.

It is further **ORDERED** that the defendant Sheryl Barrone's motion to dismiss [dkt # 129] is **GRANTED** and all claims against Sheryl Barrone are **DISMISSED**.

It is further **ORDERED** that the plaintiff's motion requesting to hold response in abeyance [dkt # 134] is **DENIED AS MOOT**.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: October 20, 2008

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 October 20, 2008

s/Susan Pinkowski

SUSAN PINKOWSKI