

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALAN HAHN,

Plaintiff,

Case No. 04-73318

Hon. Marianne O. Battani

v.

Magistrate Judge Donald A. Scheer

H. FOOTE HOSPITAL,

et al.,

Defendants.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING COMPLAINT**

Alan Hahn filed a Complaint in the United States District Court for the Western District of Michigan in August 2004. The case was referred to Magistrate Judge Donald A. Scheer. See 28 U.S.C. § 636(b)(1). In a Report and Recommendation ("R&R") dated August 25, 2008, Magistrate Judge Scheer recommended that this action be dismissed for want of prosecution. That recommendation is supported by the facts of this case. Specifically, Plaintiff claimed that while he was incarcerated, numerous defendants had failed to provide him with medical care as required by the Eight Amendment. Plaintiff never served the defendants and filed numerous proposed amendments to his initial claims. Therefore, the Magistrate Judge order Plaintiff to file a single comprehensive Complaint to clarify what issues he intended to pursue on or before July 3, 2008. In addition, Plaintiff was ordered to provide the addresses of each defendant named in the Amended Complaint to facilitate

service by the United States Marshal. See Doc. No. 68.

Plaintiff failed to do either, and on July 18, 2008, the Magistrate Judge ordered him to show cause in writing on or before August 15, 2008, why this lawsuit should not be dismissed for lack of prosecution. See Doc. No. 69. Again he failed to do so.

Under 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2), a party seeking review of a magistrate judge's report and recommendation is required to act within ten days of service of the R&R. A party's failure to file objections waives any further right of appeal. Neither party filed an objection. Plaintiff has not filed an objection and has waived his right to *de novo* review and appeal.

Accordingly, the Court **ADOPTS** the Report and Recommendation and **DISMISSES** Case No. 04-73318.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATE September 16, 2008

CERTIFICATE OF SERVICE

A copy of this Order was mailed and/or e-filed to Plaintiff on this date.

s/Bernadette M. Thebolt
Deputy Clerk

