

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTIN HAGOPIAN,

Plaintiff,

vs.

Case No. 05-CV-74025
HON. GEORGE CARAM STEEH

DAVID SMITH, et al.,

Defendants.

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ORDER ACCEPTING REPORT AND RECOMMENDATION (# 138)
AND DENYING AS MOOT DEFENDANTS' JULY 1, 2009
MOTION FOR SUMMARY JUDGMENT (# 119)
AND SEPTEMBER 18, 2009 MOTION TO DISMISS (# 127)

Magistrate Judge Mona Majzoub issued a Report and Recommendation on December 17, 2009 recommending that the court deny as moot defendants' July 1, 2009 motion for summary judgment and September 18, 2009 motion to dismiss for failure to prosecute. Magistrate Judge Majzoub ruled that the motions are moot in light of defendants' November 25, 2009 amended motion to dismiss or for summary judgment.

"A judge of the court shall make a de novo determination of those portions of [a] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636 (b)(1). Objections must be filed within 14 days after service of a Report and Recommendation. Fed. R. Civ. P. 72(b)(2). "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636 (b)(1). A party's failure to object waives further judicial review. Thomas v. Arn, 474 U.S. 140, 149-155 (1985); Thomas v. Halter, 131 F.Supp.2d 942, 944 (E.D. Mich. 2001); 28 U.S.C. § 636(b)(1).

No party has filed timely objections. Accordingly,

The court hereby ACCEPTS the December 17, 2009 Report and Recommendation. Defendants' July 1, 2009 motion for summary judgment and September 18, 2009 motion to dismiss are hereby DENIED as MOOT.

SO ORDERED.

Dated: January 12, 2010

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 12, 2010, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk