

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICKY NEWELL,

Plaintiff,

Case No. 06-12668

Hon. Marianne O. Battani

v.

Magistrate Judge Steven D. Pepe

KEVIN ESTES and ROSETTUS
WEEKS,

Defendants.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING DEFENDANT'S MOTION TO DISMISS**

Plaintiff Ricky Newell filed this action *pro se* alleging that his civil rights have been violated. The Court referred this action to Magistrate Judge Steven D. Pepe for all pretrial proceedings. Thereafter, Defendant Rosettus Weeks moved for dismissal, arguing Plaintiff failed to exhaust his administrative remedies (Doc. No. 25).

In a Report and Recommendation ("R&R") dated June 15, 2009, Magistrate Judge Pepe recommended that the motion be granted because Newell failed to exhaust his administrative remedies. See Doc. No. 31.

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. Because Plaintiff filed no objection in this case, he has waived his right to *de novo* review and appeal.

Accordingly, the Court **ADOPTS** the Report and Recommendation and GRANTS Defendant Weeks' Motion to Dismiss.

IT IS SO ORDERED.

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

DATE: July 22, 2009

CERTIFICATE OF SERVICE

Copies of this Order were mailed and/or e-filed to Plaintiff and counsel of record on this date.

s/Bernadette M. Thebolt
Deputy Clerk