

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALEX SAVCHUK,

Plaintiff,

CIVIL CASE NO. 07-10886

v.

EDWARD LOMSEN, M.D., and HAROLD
KOPITSKI, M.D.,

HONORABLE STEPHEN J. MURPHY, III
U.S. DISTRICT COURT JUDGE

Defendants.

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court are Defendants' motion to dismiss and the Report and Recommendation of the Honorable R. Steven Whalen, United States Magistrate Judge. The Magistrate Judge recommends that this Court grant Defendants' motion and dismiss this case. In particular, the Magistrate Judge recommends that the Court dismiss with prejudice Plaintiff's civil rights claims filed pursuant to 42 U.S.C. § 1983 and that the Court decline supplemental jurisdiction over Plaintiff's state law medical malpractice claim.

The Magistrate Judge served the Report and Recommendation on all parties on August 6, 2008 and notified the parties that any objections must be filed within ten days of service. Accordingly, any objections should have been filed by approximately August 25, 2008. Neither party filed objections to the Report and Recommendation.

The Court's standard of review for a Magistrate Judge's Report and Recommendation depends upon whether a party files objections. If a party does not object to the Report and Recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002). As the Supreme Court observed, "[i]t does

not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the Report and Recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry #24] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that the Defendants' motion to dismiss [docket entry #20] is **GRANTED**. Plaintiff's civil rights claims filed pursuant to 42 U.S.C. § 1983 are **DISMISSED WITH PREJUDICE**. The Court declines to exercise supplemental jurisdiction over Plaintiff's state law medical malpractice claim and this claim is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

Dated: September 19, 2008

s/Stephen J. Murphy, III
HONORABLE STEPHEN J. MURPHY, III
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on September 22, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Erik A. Grill; Dawn C.M. Jack, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Alex Savchuk

s/Alissa Greer
Alissa Greer, Case Manager
(313) 234-2680