

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROY L. BROWN,

Plaintiff,

v.

Case No. 07-11312

Honorable Patrick J. Duggan

LINDA MATAUSZAK, COLLEEN  
KOENIG, and JAN TROMBLEY,

Defendants.

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**OPINION AND ORDER GRANTING DEFENDANTS' MOTION TO DISMISS**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on September 1, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

Plaintiff filed this *pro se* civil rights action against Defendants pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights were violated when he failed to receive legal mail from the Michigan Court of Appeals. Plaintiff currently is incarcerated at the Chippewa Correctional Facility. On May 22, 2009, Defendants filed a motion to dismiss. The Court referred this matter to Magistrate Judge Charles Binder for all pretrial proceedings in an order dated February 18, 2009.

On August 6, 2009, Magistrate Judge Binder issued a Report and Recommendation (R&R) recommending that this Court grant Defendants' motion. At the conclusion of his R&R, Magistrate Judge Binder advises the parties that they may object and seek review

of the R&R within ten days of service upon them. (R&R at 7.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*, citing, *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); and *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Binder.

Accordingly,

**IT IS ORDERED**, that Defendants’ motion to dismiss is **GRANTED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Roy L. Brown, #217108  
Chippewa Correctional Facility  
4269 West M-80  
Kincheloe, MI 49784

Julia Bell, Esq.

Magistrate Judge Charles E. Binder