

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LONNER MELTON,

Plaintiff,

v.

Case No. 07-15480

Honorable David M. Lawson

Magistrate Judge Mona K. Majzoub

MICHIGAN CORRECTIONS
COMMISSION, MICHIGAN
DEPARTMENT OF CORRECTIONS,
PATRICIA CARUSO, DOUGLAS
VASBINDER, CORRECTIONAL
OFFICER JACOBSON, CORRECTIONAL
OFFICER LOWE, CORRECTIONAL
OFFICER CONNOR, and CORRECTIONAL
OFFICER HUMPHREY,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION AND
DENYING THE PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

Presently before the Court is the report and recommendation issued on October 17, 2008 by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1. On September 29, 2008, the plaintiff filed a motion for entry of default judgment pursuant to M.C.R. 2.506(F)(3)(4)-(6), and Magistrate Judge Majzoub recommended that this Court deny the plaintiff's motion. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149

(1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 32] is **ADOPTED**, and the plaintiff's motion for default judgment [dkt # 29] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 7, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 7, 2008.

s/Susan Pinkowski
SUSAN PINKOWSKI