

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD WILLIAMS,

Plaintiff,

v.

Case Number 08-10044

Honorable David M. Lawson

Mag. Judge Michael J. Hluchaniuk

PATRICIA CARUSO, NICK LUDWICH,
DEPUTY WARDEN SCHOOLEY, CLEVELAND
BOYD, M. BERGHUIS, DR. SANTIAGO,
MARILYN HARRIS, CARMEN PALMER,
D. MALLOT, JOHN RUBITSCHUN,
BARBARA SAMPSON, CYNTHIA JOHNSON,
GARY KASENAW, RACHAEL JOHNSON, and
KENNETH ROMANOWSKI,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING CASE WITH PREJUDICE**

Presently before the Court is the report issued on March 17, 2009 by Magistrate Judge Michael Hluchaniuk pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the motion for summary judgment brought by all defendants except for Marilyn Harris and Dr. Santiago. 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 matter. *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

67] is **ADOPTED**.

It is further **ORDERED** that the motion to dismiss or for summary judgment brought by certain defendants [dkt # 45] is **GRANTED** and the plaintiff's claims against Patricia Caruso, Cleveland Boyd, Mary Berghius, Cynthia Johnson, Rachel Johnson, Nick Ludwick, Carmen Palmer, D. Mallot, Kenneth Romanowski, John Rubitschun, Barbara Sampson, Scott Schooley, and Gary Kasenow are **DISMISSED with prejudice**.

The case may proceed against defendants Marilyn Harris and Dr. Santiago.

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

Dated: April 6, 2009

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 April 6, 2009.

s/Lisa M. Ware
LISA M. WARE