

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH BEAUVAIS and SIMONE
BORAGGINA,

Plaintiffs, CIVIL CASE NO. 08-11881

v.

MICHAEL A. COX,

HONORABLE STEPHEN J. MURPHY, III

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court are the defendant's motion to dismiss and the Report and Recommendation of the Honorable Michael Hluchaniuk, United States Magistrate Judge. The Magistrate Judge recommends that the Court grant the defendant's motion to dismiss, that the plaintiffs' federal claims be dismissed with prejudice, and that the plaintiffs' state law claims be dismissed without prejudice.

The Magistrate Judge served the Report and Recommendation on all parties on September 4, 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 September 22, 2008. See Fed. R. Civ. P. 6; E.D. Mich. L.R. 6.1. No objections to the Report and Recommendation have been filed. Consequently, the Court does not need to conduct a review and will accept and adopt the Report and Recommendation. See *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry #12] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that the defendants' motion to dismiss [docket entry #5] is **GRANTED**.

IT IS FURTHER ORDERED that the plaintiffs' federal claims are **DISMISSED WITH PREJUDICE** and that the plaintiffs' state claims are **DISMISSED WITHOUT PREJUDICE**.
SO ORDERED.

s/Stephen J. Murphy, III
Stephen J. Murphy, III
United States District Judge

Dated: November 18, 2008

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 18, 2008, by electronic and/or ordinary mail.

s/Alissa Greer
Case Manager