

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARELIOUS RAY REED,

Plaintiff,

v.

Case Number 08-14838

Honorable David M. Lawson

Magistrate Judge Virginia M. Morgan

SEVENTEENTH JUDICIAL
DISTRICT COURT,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING THE CASE FOR FAILURE TO STATE A CLAIM UPON WHICH
RELIEF CAN BE GRANTED**

Presently before the Court is the report issued on December 31, 2008 by Magistrate Judge Victoria M. Morgan pursuant to 28 U.S.C. § 636(b), recommending that this Court dismiss this action *sua sponte* for failure to state a claim upon which relief can be granted. 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 # 6] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's complaint [dkt # 1] is **DISMISSED**.

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

Dated: January 22, 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 January 22, 2009.

s/Felicia M. Moses
FELICIA M. MOSES