

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-15048

Honorable David M. Lawson

Magistrate Judge Michael Hluchaniuk

RAYWARD THOMAS, also known
as Raynard Thomas, also known
as Raymond Thomas,

Defendant,

and

MICHIGAN DEPARTMENT OF TREASURY, and
KEY BANK (any and all accounts),

Garnishees.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND OVERRULING THE DEFENDANT'S OBJECTION
TO THE WRITS OF GARNISHMENT AND ALLOWING THE PLAINTIFF TO
PROCEED WITH COLLECTION EFFORTS**

This matter is before the Court on a report issued by Magistrate Judge Michael Hluchaniuk on November 6, 2009 pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1, recommending that the Court reject the defendant's objection to the plaintiff's writs of garnishment and allow the plaintiff to proceed with its collection efforts. 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, the petitioner did not file any objections. The petitioner's 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 # 31] is **ADOPTED**, the defendant's objection to the writs of garnishment [dkt. # 19] is **OVERRULED**, and the plaintiff be allowed to proceed with its collection efforts consistent with requirements of the law. The Clerk may issue appropriate process.

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

Dated: December 1, 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 December 1, 2009.

s/Teresa Scott-Feijoo _____
TERESA SCOTT-FEIJOO