

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN DARNELL RAGLAND,

Plaintiff,

v.

Case No. 08-15253

JASON SCHNEIDER,

HONORABLE AVERN COHN

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 150)
AND
DENYING PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER OR
PRELIMINARY INJUNCTION (Doc. 144)

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff claimed that several defendants, police officers from the Oak Park and Southfield Police Departments, violated his constitutional rights while effectuating his arrest and denying him proper medical care. The matter has been referred to a magistrate judge for all pretrial proceedings. Following dispositive motions by defendants, only plaintiff's claims against Southfield police officer Jason Schneider remain.

Thereafter, plaintiff also filed a motion for a temporary restraining order or preliminary injunction, essentially complaining about inadequate law materials at the prison facility. On December 6, 2012, the magistrate judge issued a report and recommendation (MJRR) that the motion be denied. The magistrate judge reasoned that because plaintiff is no longer housed at the correctional facility where he alleges the

law library was inadequate, his claims for injunctive relief were mooted by his transfer. Neither party has objected to the MJRR and the time for objections has passed.¹

II.

The failure to file objections to the MJRR 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 MJRR releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge.

III.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Plaintiff's motion for temporary restraining order or preliminary injunction is DENIED.

SO ORDERED.

Dated: January 10, 2013

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, January 10, 2013, by electronic and/or ordinary mail.

S/Sakne Chami
Case Manager, (313) 234-5160

¹The MJRR stated that objections were to be filed within 14 days of service. Accounting for service and Court holidays, objections were due at least by December 26, 2012.