

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. 172)
AND
DENYING PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER OR
PRELIMINARY INJUNCTION (Doc. 155)
AND
DENYING AS MOOT PLAINTIFF'S MOTION TO ENLARGE TIME TO OBTAIN
DISCOVERY/DISPOSITIVE MOTIONS (Doc. 177)

I. Introduction

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 was 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. Subsequently, plaintiff was appointed counsel (Doc. 181). On March 20, 2013, the Court entered an order rescinding the order of reference to the magistrate judge (Doc. 182). Before the Court are two pending matters filed while the case was still on reference to the magistrate judge. This order resolves these matters.

II. Motion for Temporary Restraining Order

On January 24, 2013, plaintiff filed a motion for a temporary restraining order or preliminary injunction, seeking an injunction prohibiting certain individuals from denying him copies of case law (Doc. 155). On February 28, 2013, the magistrate judge issued a report and recommendation (MJRR) that the motion be denied. (Doc. 172). Plaintiff has not filed objections. 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.

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.

III. Motion to Enlarge Time to Obtain Complete Discovery/ Dispositive Motions

In this motion, plaintiff seeks additional time for discovery and for filing a dispositive motion. In light of the fact that plaintiff now has counsel and an order was entered extending time for plaintiff to file a response to defendant's summary judgment motion (Doc. 191), the motion is DENIED AS MOOT.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 22, 2013

08-15253 Ragland v. Raby, et al

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, May 22, 2013, by electronic and/or ordinary mail.

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