

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES JACKSON *on behalf of JJ, a minor,*
and JJ, *a minor,*

Plaintiff,

Case No. 09-10041

v.

Honorable Patrick J. Duggan

PATRICK CALDWELL, NATHANIEL
FOUNTAIN, and JOHN DOE, *DEA Agents*
& *Detroit Police Officers,*

Defendants.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on November 19, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
 U.S. DISTRICT COURT JUDGE

James Jackson, a federal prisoner, filed this civil action on behalf of his minor daughter J.J. on January 6, 2009. The complaint alleges that defendants—all federal agents—unlawfully detained, traumatized, and held J.J. hostage during a search of plaintiffs' home. On January 12, 2009, this Court referred all pre-trial matters in this case to Magistrate Judge Charles E. Binder. On March 4, 2009, Magistrate Judge Binder granted motions by Jackson to appoint counsel for J.J. The case was referred to the Court's *pro bono* committee which then located an attorney who agreed to interview Jackson. That interview took place in August 2009. In September 2009, however, the attorney notified the Court that he would be

unable to assist with the case.

On October 19, 2009, Magistrate Judge Binder issued a Report and Recommendation (R&R) recommending that this Court dismiss the lawsuit without prejudice because Jackson cannot appear *pro se* on behalf of his minor daughter and she remains without legal representation. At the conclusion of the R&R, Magistrate Judge Binder advises that the parties may object to and seek review of the R&R within ten days of service upon them. (R&R at 3.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.*) No objections were filed.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Binder.

Accordingly,

IT IS ORDERED that the complaint is **DISMISSED WITHOUT PREJUDICE**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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