

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM SHORT,

Plaintiff,

v.

Case No. 09-12323
Honorable Patrick J. Duggan

SHERIFF DAN HINES, SGT. WALKER,
LT. CARMONEY, JOHN DOE OFFICERS,
and JOHN DOE MEDICAL STAFF AND
DOCTORS,

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE MAJZOUB'S
DECEMBER 22, 2009 REPORT AND RECOMMENDATION AND DISMISSING
PLAINTIFF'S CLAIMS FOR DECLARATORY AND INJUNCTIVE RELIEF**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on January 20, 2010.

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

Plaintiff William Short ("Plaintiff"), a Michigan state prisoner, filed this *pro se* action pursuant to 42 U.S.C. § 1983 against Defendants on June 16, 2009. In his complaint, Plaintiff seeks *inter alia* declaratory and injunctive relief. On October 15, 2009, this Court entered an order referring this matter to Magistrate Judge Mona K. Majzoub for all pretrial matters. (Doc. 11.)

On December 22, 2009, Magistrate Judge Majzoub issued a Report and Recommendation (R&R), recommending that this Court dismiss as moot Plaintiff's claims for injunctive and declaratory relief pursuant to 28 U.S.C. § 1915A. (Doc. 18.)

Magistrate Judge Majzoub reasons that Plaintiff no longer is incarcerated at the Jackson County Sheriff's Department or the Jackson County Jail where the alleged constitutional violations occurred. At the conclusion of her R&R, Magistrate Judge Majzoub advises the parties that they have ten days from service of the R&R to file any objections thereto. (*Id.* at 3.) Magistrate Judge Majzoub further advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.* (citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1981); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).) No party has filed objections to the R&R.

A district court judge may reconsider a pretrial order of a magistrate judge where it has been shown that the order is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(2)(A). A judge must conduct a *de novo* review of those portions of a report and recommendation to which objection is made. *Id.* § 636(b)(2)(C). As indicated, no objections have been filed with respect to Magistrate Judge Majzoub's December 22, 2009 R&R. This Court has carefully reviewed the R&R and concurs with Magistrate Judge Majzoub's conclusions.

The Court therefore adopts the R&R and dismisses as moot Plaintiff's claims for injunctive and declaratory relief.

SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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