

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 10-cv-11135

v.

HONORABLE STEPHEN J. MURPHY, III

CATHY L. RICE,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (docket no. 73) AND GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (docket no. 13)

This is a student loan collection action. The federal government alleges that on March 12, 2001 Defendant Cathy Rice borrowed \$112,851.21 from the U.S. Department of Education. Rice defaulted on her obligation and, as a result of accruing interest and lack of payments, owes \$195,493.97 as of September 9, 2010. Rice answered the complaint, and the matter was referred to Magistrate Judge Mark A. Randon for all pretrial proceedings. The government subsequently moved for summary judgment and Rice failed to file a response or attend the motion hearing. Judge Randon recommends that the Court grant the government's motion and enter judgment in its favor. Rice did not file objections.

A district court's standard of review for a report and recommendation depends upon whether a party files objections. A court need not undertake any review with respect to portions of a report that no party objects to. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Furthermore, a failure to file objections constitutes a waiver of any further right of appeal from the district judge's adoption of the report and recommendation. See *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981).

The last page of Judge Randon's report notified the parties that any objections must be filed within 14 days of service of a copy of the report, as provided for in 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). See *Walters*, 638 F.2d at 950 (“[W]e hold that a party shall be informed by the magistrate that objections must be filed within ten days or further appeal is waived.”). Despite this reminder, Rice failed to file objections and the time for doing so has passed. As a result, the Court need not conduct any review of the report. The report is adopted, without review, as the Court's opinion. The government's motion for summary judgment will be granted and judgment will be entered in its favor. Rice has waived any right of appeal by failing to file objections. See *Walters*, 638 F.2d at 950.

WHEREFORE, it is hereby **ORDERED** that the report and recommendation (docket no. 16) is **ACCEPTED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment (docket no. 13) is **GRANTED**. Judgment in the government's favor in the amount of \$195,493.97 will be entered separately.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 28, 2011

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 28, 2011, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager