

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RONNIE PETERSON ,

Plaintiff,

Case No. 10-14403

v.

SENIOR UNITED STATES DISTRICT JUDGE  
ARTHUR J. TARNOW

DEYON PAYTON, ET AL.,

MAGISTRATE JUDGE R. STEVEN WHALEN

Defendants.

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**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION [33]; DENYING PLAINTIFF'S MOTION FOR ENTRY OF  
DEFAULT JUDGMENT [30]; AND ASSESSING RULE 37 SANCTIONS AGAINST  
DEFENDANT**

Before the Court is Plaintiff's Motion for Entry of Default Judgment Against Devon Payton [30], filed on October 16, 2012. On November 28, 2012, the Magistrate Judge issued a Report and Recommendation [33] recommending that the Court deny Plaintiff's Motion [30] and assess Federal Rules of Civil Procedure Rule 37 sanctions against Defendant Payton in the amount of \$250.00.

Defendant Payton has not filed any objections to the Report and Recommendation [33]. The Court has reviewed the record in this case.

The Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** and is entered as the findings and conclusions of the Court.

Accordingly,

**IT IS ORDERED** that Plaintiff's Motion to for Entry of Default Judgment Against Devon Payton [30] is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant Payton pay Plaintiff's counsel \$250.00 as a Federal Rules of Civil Procedure Rule 37 sanction.

**SO ORDERED.**

s/Arthur J. Tarnow  
ARTHUR J. TARNOW  
SENIOR U.S. DISTRICT JUDGE

Dated: February 8, 2013