

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE JAMES BROOKS,

Plaintiff,

v.

LAURINE CARSON,

Defendant.

Case No. 10-14571

HONORABLE STEPHEN J. MURPHY, III

ORDER ADOPTING REPORT AND RECOMMENDATION (docket no. 14),
DENYING PLAINTIFF'S MOTION FOR DEFAULT (docket no. 7),
AND GRANTING DEFENDANT'S MOTION TO DISMISS (docket no. 6)

Plaintiff Willie James Brooks filed a *pro se* complaint against Defendant Laurine Carson, an agent of the Department of Veterans Affairs, alleging breach of contract and violation of Title 38 of the Code of Federal Regulations based on the denial of Brooks's claim for veteran benefits and Carson's failure to respond to Brooks concerning new evidence related to his claim. All pretrial matters were referred to the magistrate judge, who issued a Report and Recommendation ("R & R"), recommending that the Court grant Carson's motion to dismiss based on lack of subject matter jurisdiction and deny Brooks's motion for default.

The Court need not review portions of a report and recommendation to which a party does not object. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Brooks was served via mail on August 10, 2011. Pursuant to Federal Rule of Civil Procedure Rule 72(b)(2), Brooks had 14 days from that date to file specific written objections to the R & R. He has failed to do so. The Court, therefore, need not conduct de novo review of the R & R.

The Court has reviewed the R & R and finds that the analysis was proper. Accordingly, the Court adopts the R & R's findings and conclusion.

ORDER

WHEREFORE IT IS HEREBY ORDERED that the Report and Recommendation (docket no. 14) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's motion to dismiss, or in the alternative, for summary judgment (docket no. 6) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's motion for default (docket no. 7) is **DENIED**.

SO ORDERED.

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

Dated: August 26, 2011

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 26, 2011, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager