UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANNIE PATRICE GOODE,

      Plaintiff,

v.

MERCY MEMORIAL HOSPITAL,

      Defendant.

_____/

Case No. 11-10037

SENIOR U.S. DISTRICT JUDGE
ARTHUR J. TARNOW

U.S. MAGISTRATE JUDGE
MICHAEL HLUCHANIUK

ORDER OVERRULING PLAINTIFF'S OBJECTION [51] TO MAGISTRATE JUDGE'S ORDER [50]; ADOPTING REPORT AND RECOMMENDATION [53]; GRANTING DEFENDANT'S RENEWED MOTION TO DISMISS FOR FAILURE TO COOPERATE WITH DISCOVERY [45]; AND DENYING ALL OTHER PENDING MOTIONS [29, 30, 31, 36] AS MOOT

Plaintiff filed her pro se Complaint [Doc. #1] on January 4, 2011. On August 24, 2011, the Court issued an Order [13] staying the case pending resolution of the Court's request for pro bono counsel to represent Plaintiff. On April 15, 2014, the Court issued an Order [16] lifting the stay due to the failure of reasonable efforts to secure pro bono counsel. Plaintiff proceeded pro se, but discovery soon stalled. Defendant moved to dismiss the case in June 2014 due to Plaintiff's failure to cooperate in the discovery process. The Magistrate Judge

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declined to dismiss the case in an Order [42] dated December 29, 2014, instead ordering Plaintiff to proceed with her deposition in a certain manner. The Magistrate Judge warned Plaintiff that failure to proceed as directed could result in dismissal of the case as a discovery sanction.

On February 17, 2015, Defendant filed a Renewed Motion to Dismiss for Failure to Cooperate with Discovery [45], citing Plaintiff's continued failure to cooperate when deposed and to produce requested documents. Plaintiff filed a Response [47] on February 24, 2015, and Defendant filed a Reply [48] on March 3, 2015. On April 10, 2015, the Magistrate Judge issued an Order [50] holding the motion in abeyance with respect to dismissal but ordering Plaintiff to show cause why she should not be held in contempt for noncompliance with the Magistrate Judge's earlier order; to produce certain documents; and to sign a release for her Social Security records. The Magistrate Judge again warned Plaintiff that noncompliance could result in dismissal of the case as a discovery sanction. On April 20, 2015, Plaintiff filed an Objection [51] to the Magistrate Judge's order.

On April 27, 2015, Defendant filed a Notice [52] of Plaintiff's noncompliance with the Magistrate Judge's order. On May 7, 2015, the Magistrate Judge issued a Report and Recommendation [53], recommending that the Court grant Defendant's Renewed Motion to Dismiss [45] due to Plaintiff's continued

failure to cooperate in the discovery process. Plaintiff has not filed an objection to the Report and Recommendation.

A district court may set aside a magistrate judge's order on a nondispositive pretrial matter if it is clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A); *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). Though titled as an Objection to the Magistrate Judge's Order [50] of April 10, 2015, Plaintiff's Objection [51] makes no mention of the substance of the order. Since she does not respond to the Magistrate Judge's analysis, and the analysis is correct, Plaintiff does not demonstrate that the analysis is clearly erroneous or contrary to law. The Court therefore overrules Plaintiff's Objection [51].

As noted, Plaintiff has filed no objection to the Report and Recommendation [53]. The Court having reviewed the record, the Report and Recommendation is hereby **ADOPTED** and entered as the findings and conclusions of the Court. Accordingly,

IT IS ORDERED that Plaintiff's Objection to Magistrate Judge's Order [51] is **OVERRULED.**

IT IS FURTHER ORDERED that Defendant's Renewed Motion to Dismiss for Failure to Cooperate with Discovery [45] is **GRANTED**. This case is **DISMISSED** pursuant to Federal Rule of Civil Procedure 37(b)(2)(A)(v).

IT IS FURTHER ORDERED that all other pending motions [29, 30, 31,

36] are **DENIED AS MOOT**.

SO ORDERED.

                                        s/Arthur J. Tarnow
                                        Arthur J. Tarnow
Dated: August 7, 2015   Senior United States District Judge