

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EARL DIAMOND,

Plaintiff,

No. 11-cv12228-DT

vs.

Hon. Gerald E. Rosen

PREMIER MFG/VOITH INDUSTRIAL
SERVICES, et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on January 31, 2012

PRESENT: Honorable Gerald E. Rosen
United States District Chief Judge

This action having come before the Court on the January 6, 2012 Report and Recommendation of United States Magistrate Judge Michael Hluchaniuk, recommending that the Court grant the Motion to Dismiss filed by Defendant Voith Industrial Services (f/k/a Premier Manufacturing Support Services, Inc.), and deny Plaintiff's Motion to Amend; and Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's Objections, and the Court's entire file of this action, and having concluded that, for the reasons stated in the Report and Recommendation, Defendant's motion should be granted, Plaintiff's motion to amend should be denied, and Plaintiff's

complaint should, accordingly, be dismissed without prejudice; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of January 6, 2012 [**Dkt. # 66**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant Voith Industrial Services Motion to Dismiss [**Dkt. # 3**] be, and hereby is, GRANTED, and Plaintiff's Complaint is DISMISSED, in its entirety, WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that for the reasons set forth in the Magistrate Judge's Report and Recommendation, Plaintiff's Motion to Amend [**Dkt. # 20**] is DENIED, without prejudice.

IT IS FURTHER ORDERED that the parties' various other pending motions at **Dkt. Nos. 41, 53, 56, and 57** are dismissed as MOOT.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: January 31, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 31, 2012, by electronic mail and upon Earl Diamond, 3115 Dale Avenue, Flint, Michigan 48506 by ordinary mail.

s/Ruth A. Gunther
Case Manager