

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRENTON SILDACK,

Plaintiff,

v.

Civil Action No. 11-12939

HONORABLE DENISE PAGE HOOD

CORIZON HEALTH, INC., et al.,

Defendants.

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ORDER REGARDING MOTION TO AMEND/CORRECT ORDER

This matter is before the Court on a Motion to Correct Order filed by Defendant Corizon Health Inc. f/k/a Correctional Medical Services, Inc. f/k/a Prison Health Services, Inc. Corizon seeks an Order under Fed. R. Civ. P. 60(a) to correct the Order Accepting Report and Recommendation entered on March 21, 2012. Corizon seeks to add language specifying a time frame to the Court's Order. Corizon asserts that the Magistrate Judge only considered claims against Suzanne B. Kirk and Corizon "prior to April 1, 2009."

Rule 60(a) of the Rules of Civil Procedures may be used to correct clerical mistakes made by judges as well as ministerial employees, but may not be used to "revisit ... legal analysis or otherwise correct an error of substantive judgment." *In re Walter*, 282 F.3d 434, 440 (6th Cir. 2002). A proper Rule 60(a) order involves the purely ministerial act of correcting a clerical mistake; it does not alter the substantive rights of the parties or resolve any disputes in the case. *In re LWD, Inc.*, 335 Fed. Appx. 523, 527 (6th Cir. 2009).

The Report and Recommendation does not set forth a time frame, specifically prior to April 1, 2009. As admitted by Corizon in its motion, it did not file Objections to the Magistrate Judge's

Report and Recommendation, nor did Corizon seek any further clarification of the Report and Recommendation as to a time frame. The Court's Order adopted the Report and Recommendation. Because Corizon did not file any Objections to the Report and Recommendation, Corizon waives any further arguments as to the Report and Recommendation. Fed. R. Civ. P. 72(b)(2). In any event, adding a time frame as requested by Corizon is not a "ministerial act" or a "mechanical act" to correct a "clerical mistake," especially since the requested language was *not* set forth in the Report and Recommendation adopted by the Court. The requested amendment goes beyond a "ministerial act" set forth in Rule 60(a).

Accordingly,

IT IS ORDERED that the Motion to Amend/Correct the March 21, 2012 Order Accepting Report and Recommendation under Rule 60(a) (**Doc. No. 72**) is DENIED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: March 22, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 22, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager