

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KENNETH B. BURTON,

Plaintiff,

v.

J. PARKS, et al.,

Defendants.

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Case No. 11-cv-14768

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING AMENDED REPORT  
AND RECOMMENDATION (docket no. 53), AND  
GRANTING DEFENDANTS' MOTION TO DISMISS MEDICAL  
NEGLIGENCE AND GROSS NEGLIGENCE CLAIMS (docket no 41)**

This matter is before the Court upon the motion to dismiss Plaintiff's claims of medical negligence and gross negligence (ECF No. 41) filed by Defendants Dr. Harriet Squire, P.A. John Kearney, Dr. Marvin Keeling, and Dr. Maurice Potts, and upon the magistrate judge's amended report and recommendation (ECF No. 53). The magistrate judge recommends that the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claims and that it grant Defendants' motion to dismiss on this basis.

Plaintiff Kenneth Burton filed a motion for extension of time to object to the report and recommendation on July 19, 2012. Mot. to Extend Time to Object, ECF No. 56. The Court granted his motion and ordered him to file any objections to the report and recommendation by Friday, August 10, 2012. Order Granting Mot. Extend Time, ECF No. 57. This deadline has passed and Plaintiff has not filed any objections.

Because neither party has filed objections, de novo review of the magistrate judge's findings is not required. See Fed. R. Civ. P. 72(b)(3) (requiring de novo review by a district

judge only for "any part of the magistrate judge's disposition that has been properly objected to").

Having reviewed the file and the instant report and recommendation, the Court finds that the magistrate judge's analysis is proper. Accordingly, the Court adopts the findings and conclusions contained in the report. The Court will dismiss Plaintiff's medical malpractice and gross negligence claims without prejudice because it declines to exercise supplemental jurisdiction.

**WHEREFORE** it is hereby **ORDERED** that the report and recommendation filed July 13, 2012, (docket no 53) is **ADOPTED**.

**IT IS FURTHER ORDERED** that the motion to dismiss (docket no. 41) filed by Defendants Squire, Kearney, Keeling and Potts is **GRANTED** consistent with the terms of this Order and the magistrate judge's report and recommendation.

The federal claims against Defendants Squire, Kearney, Keeling, and Potts remain pending.

**SO ORDERED.**

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

Dated: August 28, 2012

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 28, 2012, by electronic and/or ordinary mail.

s/Carol Cohron  
Case Manager