

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Richard V. Davis, II,

Plaintiff,

v.

William Malatinsky,

Defendant.

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Case No. 12-13761

Honorable Nancy G. Edmunds

**ORDER AND OPINION ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S  
OCTOBER 10, 2013 REPORT AND RECOMMENDATION [17]**

Before the Court is the magistrate judge's October 10, 2013 report and recommendation. (Dkt. 17.) The magistrate judge recommended dismissing Plaintiff's complaint with prejudice because the applicable statute of limitations bars Plaintiff's claim.

(*Id.*)

The Court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 09-10933, 2012 WL 3639070, at \*1 (E.D.Mich. Aug. 24, 2012) (citation omitted). The Court nevertheless agrees with the magistrate judge's recommendation. The Court therefore ACCEPTS and ADOPTS the magistrate judge's report and recommendation.

The Court therefore GRANTS Defendant's motion to dismiss. (Dkt. 13.)

So ordered.

s/Nancy G. Edmunds  
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Nancy G. Edmunds  
United States District Judge

Dated: November 13, 2013

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 13, 2013, by electronic and/or ordinary mail.

s/Johnetta M. Curry-Williams  
Case Manager  
Acting in the Absence of Carol Hemeyer