

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD R. WARD,

Plaintiff,

v.

Civil Action No. 12-14297

HONORABLE DENISE PAGE HOOD

T. HALL,

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION
AND ORDER DISMISSING ACTION

This matter is before the Court on Magistrate Judge Mona K. Majzoub's Report and Recommendation filed May 6, 2013 [Doc. # 15]. No Objections to the Report and Recommendation were filed by Plaintiff Donald R. Ward.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made." 28 U.S.C. § 636(B)(1)(c). The Court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate." *Id.* In order to preserve the right to appeal the Magistrate Judge's recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). As Plaintiff filed the complaint *pro se*, the Court will interpret his pleadings liberally. *Hughes v. Rowe*, 499 U.S. 5, 9 (1980); *Haines*

v. Kerner, 404 U.S. 519, 520-21 (1972).

After review of the Magistrate Judge's Report and Recommendation, the finds that the Magistrate Judge's findings and conclusions of law are correct. The Court agrees with the Magistrate Judge that Plaintiff is not entitled to a Temporary Restraining Order and that his Motion to Amend or to Supplement his Complaint should be denied. The Court also agrees with the Magistrate Judge that this action should be dismissed because the claims against the Defendant in this case were addressed and dismissed by the Honorable John Corbett O'Meara. See, Case No. 12-14298, *Ward v. Samuel*, Doc. No. 10.¹

For the reasons set forth above,

IT IS ORDERED that the Report and Recommendation (**Doc. No. 15**) is ACCEPTED and ADOPTED as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED than Plaintiff's Motion for Temporary Restraining Order (**Doc. No. 10**) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion to Amend / Correct / Supplement (**Doc. No. 11**) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion in Opposition to Waiver Reply (**Doc. No. 17**) is DENIED.

IT IS FURTHER ORDERED that this Complaint is DISMISSED with prejudice.

¹ Neither Civil Cover sheets indicate previously filed cases or possible companion cases.

IT IS FURTHER ORDERED and certified that any appeal from this decision would be frivolous and not taken in good faith. An appeal may not be taken *in forma pauperis* under 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962), *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997).

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

Dated: July 31, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 31, 2013, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager