

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIHAD HOSSEIN,

Plaintiff,

v.

Case Number 12-14969

Honorable David M. Lawson

Magistrate Judge Michael J. Hluchaniuk

CITY OF DEARBORN HEIGHTS,
LEE GAVIN, D. MUELLER, M.
GUZOWSKI, DOE NO. 1, identified as
Badge No. 19, and DOE NO. 2, identified
as Court Clerk,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTION TO DISMISS,
DENYING PLAINTIFF'S PETITION FOR DECLARATORY JUDGMENT, AND
DENYING DEFENDANTS' MOTION TO STRIKE**

Presently before the Court is the report issued on August 12, 2013 by Magistrate Judge Michael J. Hluchaniuk pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendants' motion to dismiss, dismiss the complaint, and deny other pending motions as moot. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #20] is **ADOPTED**.

It is further **ORDERED** that the defendants' motion to dismiss [dkt. #11] is **GRANTED**.

It is further **ORDERED** that the complaint is **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that the plaintiff's petition for declaratory judgment [dkt. #4] and the defendants' motion to strike [dkt. #12] are **DISMISSED** as moot.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: September 9, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 9, 2013.

s/Shawntel Jackson
SHAWNTEL JACKSON