

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK ANTHONY REED-BEY,

Plaintiff,

vs.

VICKI LEWIS, NOLA FETTIG,

Defendants.

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Case No. 13-10168

HON. AVERN COHN

**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 67)**  
**AND**  
**DENYING DEFENDANTS' MOTION TO DISMISS (Doc. 51)**

I.

This is a pro se prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff sued Corrections Officer Vicki Lewis, Assistant Resident Unit Manager Dion Laing, and Resident Unit Manager Nola Fettig claiming that they violated of due process rights under the Fourteenth Amendment arising out of the taking of his property and retaliated against him. Following dispositive motions and an appeal, see Doc. 59, plaintiff's retaliation claims against Lewis and Fettig remain. Lewis and Fettig filed a motion to dismiss on the grounds that plaintiff failed to exhaust his administrative remedies. The magistrate judge issued a report and recommendation (MJRR), recommending that defendants' motion be denied. (Doc. 67).

II.

Neither party has objected to the MJRR and the time for filing objections has passed. The failure to file objections to the MJRR waives any further right to appeal.

Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987).

Likewise, the failure to object to the MJRR releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRR and agrees with the magistrate judge's analysis and conclusion.

III.

Accordingly, for the reasons stated above, the MJRR is ADOPTED as the findings and conclusions of the Court. Defendants' motion to dismiss is DENIED. The case shall continue in its regular course.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: September 20, 2016  
Detroit, Michigan