

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROOSEVELT MCCORMICK,

Plaintiff,

v.

CASE NO: 13-CV-11098

JANE DOES, et. al.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION TO
DENY PLAINTIFF'S [5] MOTION FOR SUMMARY JUDGMENT AS MOOT**

On June 28, 2013, Magistrate Judge David R. Grand issued a Report and Recommendation in the above-captioned matter recommending that the court deny Plaintiff Roosevelt McCormick's motion for summary judgment as moot. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the Report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Plaintiff's Motion for Summary Judgment [5] is DENIED as moot.

s/ Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

DATED: August 2, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 2, 2013, by electronic and/or ordinary mail.

s/ Richard Loury for Lisa Wagner

Case Manager and Deputy Clerk
(313) 234-5522

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).