

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEONTAY JOHNSON, et al.,

Plaintiffs,

Case No. 13-cv-13672
Hon. Matthew F. Leitman

v.

ANTHONY WICKERSHAM, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION (ECF #64)
AND DISMISSING RONALD WHITNEY
AS A PLAINTIFF IN THIS ACTION

On August 27, 2013, Plaintiff Ronald Whitney (“Whitney”) and two other Plaintiffs filed a *pro se* prisoner civil rights Complaint related to their incarceration at the Macomb County Jail. (*See* ECF #1.) Since that time, numerous Orders that the Court has sent to Whitney at the address he provided the Court have been returned as undeliverable. And in violation of Local Rule 11.2, Whitney has not notified the Court of any change to his address.

On October 20, 2014, the Magistrate Judge issued an order for Whitney to show cause why he should not be dismissed as a Plaintiff in this action due to his failure to prosecute. (*See* the “Show Cause Order,” ECF #52.) Whitney did not respond to the Show Cause Order.

Accordingly, on January 12, 2015, the Magistrate Judge issued a Report and Recommendation recommending that the Court dismiss Whitney from this action due to his failure to prosecute. (See the “R&R,” ECF #64.) At the conclusion of the R&R, the Magistrate Judge informed Whitney that “[a]ny objections to this Report and Recommendation must be filed within fourteen (14) days...” and that the “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.* at 4, Pg. ID 320.)

Whitney has not filed any objection to the R&R. As the Magistrate Judge informed Whitney, failure to file objections to a Report and Recommendation waives any further right to appeal. See *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object releases the Court from its duty to independently review the matter. See *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nevertheless reviewed the R&R and agrees with the findings and conclusions of the Magistrate Judge.

Therefore, **IT IS HEREBY ORDERED** that the R&R (ECF #64) is **ADOPTED** as the Opinion of this Court. **IT IS FURTHER ORDERED** that Ronald Whitney is **DISMISSED** as a Plaintiff in this action.

Dated: February 3, 2015

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 3, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda_____

Case Manager

(313) 234-5113