

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CAESAREA JAMES,

Plaintiff,

v.

Case Number 13-13936
Honorable David M. Lawson
Magistrate Judge David R. Grand

DLJ MORTGAGE CAPITAL, INC.,
WMC MORTGAGE, LLC, DYKEMA
LAW FIRM, MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
MAIYA O. YANG, NIGHT LOR, JONG-JU
CHANG, and MICHAEL BLALOCK,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTIONS TO DISMISS, AND
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Presently before the Court is the report issued on July 11, 2014 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the motions to dismiss filed by defendants (1) Dykema Law Firm, Michael Blalock, and Jong-Ju Chang; (2) WMC Mortgage, LLC; and (3) DLJ Mortgage Capital, Inc. and Mortgage Electronic Registration Systems, Inc. The magistrate judge also recommended that the Court deny the plaintiff's motion for summary judgment. Although the magistrate judge's report 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. #85] is **ADOPTED**.

It is further **ORDERED** that the motion to dismiss filed by defendants Dykema Law Firm, Michael Blalock, and Jong-Ju Chang [dkt. #47] is **GRANTED**.

It is further **ORDERED** that the motion to dismiss filed by defendant WMC Mortgage, LLC [dkt. #48] is **GRANTED**.

It is further **ORDERED** that the motion to dismiss filed by defendants DLJ Mortgage Capital, Inc. and Mortgage Electronic Registration Systems, Inc. [dkt. #72] is **GRANTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #66] is **DENIED**. As to the plaintiff's demand for summary judgment against defendants Night Lor and Maiya O. Yang **ONLY**, the denial is without prejudice.

It is further **ORDERED** that the plaintiff's claims against defendants Dykema Law Firm, Michael Blalock, Jong-Ju Chang, WMC Mortgage, LLC, DLJ Mortgage Capital, Inc., and Mortgage Electronic Registration Systems, Inc. **ONLY** are **DISMISSED WITH PREJUDICE**.

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

Dated: August 5, 2014

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 August 5, 2014.

s/Shawntel Jackson
SHAWNTEL JACKSON