

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROGER KELLY,

Plaintiff,

vs.

Case No. 14-CV-12337

HON. GEORGE CARAM STEEH

NATIONAL CITY BANK, et al.,

Defendants.

**ORDER ACCEPTING REPORT AND
RECOMMENDATION AND DISMISSING CASE**

On July 1, 2014, Magistrate Judge Charles E. Binder issued a report and recommendation that the court *sua sponte* dismiss this pro se prisoner civil rights complaint, brought *in forma pauperis*, for lack of subject matter jurisdiction. The magistrate judge specifically stated that any objections to his report must be filed within 14 days of service, and that failure to file such objections constituted a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140, 155 (1985). No such objections were filed.

The court has reviewed, and ACCEPTS and ADOPTS the magistrate judge's report and recommendation. IT IS FURTHER ORDERED that this action is DISMISSED WITH PREJUDICE. Based on the preceding order, this court certifies that any appeal from this decision would be frivolous, not in good faith, and therefore, pursuant to 28 U.S.C. § 1915(a)(3), may not be taken *in forma pauperis*.

IT IS SO ORDERED.

Dated: July 24, 2014

s/George Caram Steeh

HON. GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and Roger Kelly #748808, Saginaw Correctional Facility, 9625 Pierce Road, Freeland, MI 48623 on July 24, 2014, by electronic and/or ordinary mail.

s/Barbara Radke
Deputy Clerk