

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VICTOR WILSON,

Plaintiff,

Case Number 15-10693
Honorable David M. Lawson
Magistrate Judge David R. Grand

v.

COUNTY OF WAYNE, CITY OF DETROIT,
and DETROIT POLICE DEPARTMENT,

Defendants.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
DISMISSING COMPLAINT WITHOUT PREJUDICE, AND
DENYING AS MOOT PLAINTIFF'S MOTION TO CERTIFY CLASS**

Presently before the Court is the report issued on April 17, 2015 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court dismiss *sua sponte* the plaintiff's complaint without prejudice under 28 U.S.C. § 1915(e). Although the report stated that the parties to this action could 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 that the Court dismiss *sua sponte* the plaintiff's complaint without prejudice [dkt. #10] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

It is further **ORDERED** that the magistrate judge's report and recommendation on the plaintiff's motion to certify class [dkt. #7] is **moot**.

It is further **ORDERED** that the plaintiff's motion to certify class [dkt. #2] is **DENIED as moot**.

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

Dated: May 5, 2015

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 May 5, 2015.

s/Susan Pinkowski
SUSAN PINKOWSKI