

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Neil Emery, *et al.*,

Plaintiffs,

v.

Case No. 15-11113

Joseph R. Burtch, M.D.,

Sean F. Cox

United States District Court Judge

Defendant.

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**ORDER**  
**ACCEPTING AND ADOPTING**  
**10/26/15 REPORT & RECOMMENDATION**

This prisoner civil rights action is currently before the Court on an October 26, 2015 Report and Recommendation from Magistrate Judge David R. Grand (“the R&R”). (Docket Entry No. 15). In the R&R, Magistrate Judge Grand recommends that this Court deny Defendant Burtch’s Motion to Dismiss (Docket Entry No. 9) without prejudice.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

No party has filed objections to the R&R and the time permitted for doing so has now passed.

The Court hereby **ADOPTS** the October 26, 2015 Report and Recommendation. **IT IS ORDERED** that Defendant Burtch's Motion to Dismiss (Docket Entry No. 9) is **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

S/Sean F. Cox  
Sean F. Cox  
United States District Judge

Dated: November 24, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 24, 2015, by electronic and/or ordinary mail.

S/Kelly Winslow for Jennifer McCoy  
Case Manager Generalist