

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMUEL R. JONES,

Plaintiff,

v.

CASE NO. 15-12527

HONORABLE GEORGE CARAM STEEH

WAYNE COUNTY JAIL, et al.,

Defendants.

**ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DOC. 33) AND DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT BY DEFAULT (DOC. 13)**

Plaintiff filed the instant civil rights action against the Wayne County Jail and seven employees of the Wayne County Jail and/or Sheriff. The Court dismissed the claims against the Wayne County Jail and three of the individual defendants, leaving only four individual defendants. Now before the Court is Plaintiff's "Motion for Summary Judgment by Default Under Fed. R. Civ. P. Rule [sic] 58." (Doc. 13). In his motion, Plaintiff argues that the defendants defaulted by failing to file an answer to his complaint.¹ The four remaining defendants were not served with the complaint until approximately two months after Plaintiff filed his motion. (See Docs. 15, 16, 17, 18) Each of these defendants has since filed an answer. (See Docs. 19, 35). The Court referred Plaintiff's motion to

¹ Plaintiff's motion is not entirely clear. Alternatively, Plaintiff could be arguing that defendants defaulted by failing to file objections to the Magistrate Judge's order granting Plaintiff leave to amend his complaint. (See Doc. 10).

Magistrate Judge Elizabeth Stafford for a report and recommendation (“R&R”). (Doc. 33). In her R&R, the Magistrate Judge recommended that the Court deny Plaintiff’s motion.

Plaintiff has not objected to the R&R. The R&R specifically stated that any objections must be filed within fourteen days of service of the R&R. Moreover, the R&R specifically stated that a failure to file objections would constitute a waiver of any further right to appeal. See *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Cowherd v. Million*, 380 F.3d 909, 912 (6th Cir. 2004). Finding the R&R to be well-reasoned, the Court hereby ACCEPTS the result recommended therein. Accordingly, Plaintiff’s Motion for Summary Judgment by Default (Doc. 13) is DENIED.

IT IS SO ORDERED.

Dated: August 15, 2016

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 15, 2016, by electronic and/or ordinary mail and also on Samuel R. Jones #364868, St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880.

s/Barbara Radke
Deputy Clerk