

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARMEL ALLEN, and FELICIA
MARIE DYER,

Plaintiffs,
v.

KARI OSTERHOUT, MICHAEL MARTIN,
RADWAN MARDINI, MILLICENT
WARREN, ANTHONY STEWART, TELLAS,
BOA , BRAGG, ANSARI, HARGROVE,
LARRY SAUNDERS, and JOHN DOE,

Case Number 15-12867
Honorable David M. Lawson
Magistrate Judge Mona K. Majzoub

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING IN PART
MDOC DEFENDANTS' MOTIONS TO DISMISS ALLEN AND TO SEVER BASED ON
MISJOINDER OF PARTIES AND CLAIMS, GRANTING THE ARAMARK
DEFENDANTS' MOTION TO DISMISS, AND DISMISSING WITHOUT PREJUDICE
PLAINTIFFS' CLAIMS AGAINST THE JOHN DOE DEFENDANT**

Presently before the Court is the report issued on January 19, 2017 by Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b), recommending that the Court grant in part the MDOC defendants' motions to dismiss defendant Charmel Allen and to sever based on misjoinder of parties and claims, grant the Aramark defendants' motion to dismiss, dismiss plaintiff Allen's claims, and dismiss without prejudice plaintiff Dyer's claims against the John Doe defendant. Although the magistrate judge's report explicitly 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. #50] is **ADOPTED**.

It is further **ORDERED** that the motion to dismiss by defendants Karri Osterhout, Anthony Stewart, Tellas, Boa, and Bragg [dkt. #30] is **GRANTED IN PART**. Plaintiff Charmel Allen's claims against defendants Karri Osterhout, Anthony Stewart, Tellas, Boa, and Bragg are **DISMISSED**. The motion is **DENIED** in all other respects.

It is further **ORDERED** that the motion to dismiss by defendants Michael Martin, Radwan Mardini, Millicent Warren, and Larry Saunders [dkt. #46] is **GRANTED IN PART**. Plaintiff Charmel Allen's claims against defendants Michael Martin, Radwan Mardini, Millicent Warren, and Larry Saunders are **DISMISSED**. The motion is **DENIED** in all other respects.

It is further **ORDERED** that the motion to dismiss by defendants Ansari and Hargrove [dkt. #48] is **GRANTED**. Plaintiff Felicia Marie Dyer's claims against defendants Ansari and Hargrove are **DISMISSED WITH PREJUDICE**. Plaintiff Charmel Allen's claims against defendants Ansari and Hargrove are **DISMISSED**.

It is further **ORDERED** that the plaintiffs' claims against defendant John Doe are **DISMISSED WITHOUT PREJUDICE**.

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

Dated: February 8, 2017

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 February 8, 2017.

s/Susan Pinkowski
SUSAN PINKOWSKI