

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EARTHY WINTERS,

Plaintiff,

Case No. 15-cv-13456  
Hon. Matthew F. Leitman

v.

OCWEN LOAN SERVICING LLC *et al.*,

Defendants.

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**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS (ECF #4)**

In this action, Plaintiff Earthy Winters (“Winters”) brings multiple claims against Defendants Deutsche Bank National Trust Company, as trustee for Long Beach Mortgage Loan Trust 2004-1, Asset-Backed Certificates, Series 2004-1 (“Deutsche Bank”) and Ocwen Loan Servicing, LLC (“Ocwen”) (collectively, “Defendants”) related to the foreclosure of his home. (*See* Compl., ECF #1-1.) Defendants filed a motion to dismiss Winters’ claims on October 8, 2015 (the “Motion”). (*See* ECF #4.)

On September 14, 2016, Magistrate Judge Elizabeth Stafford issued a Report and Recommendation recommending that the Court grant the Motion and dismiss Winters’ claims with prejudice (the “R&R”). (*See* ECF #12.) At the conclusion of the R&R, Magistrate Judge Stafford informed the parties that if they wanted to

seek review of her recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.* at 13-14, Pg. ID 529-30.)

Winters has not filed any objections to the R&R. As Magistrate Judge Stafford specifically warned Winters in the R&R (*see id.*), the failure to file objections waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Moreover, the failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, because Winters has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that Magistrate Judge Stafford's recommendation to grant the Motion and dismiss Winters' Complaint with prejudice is **ADOPTED**.

**IT IS FURTHER ORDERED** that (1) Defendants' Motion to Dismiss (ECF #4) is **GRANTED** and (2) Winters' Complaint (ECF #1-1) is **DISMISSED WITH PREJUDICE**.

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: October 12, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 12, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda\_\_\_\_\_

Case Manager

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