

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARL BENNETT #298713,

Plaintiff,

Case No. 15-cv-14465

Hon. Matthew F. Leitman

v.

MICHIGAN DEPARTMENT OF CORRECTIONS,
JACKSON ALLEGIANCE HOSPITAL, and
DOCTOR MAHENDER MACHA,

Defendants.

**ORDER (1) GRANTING DEFENDANT JACKSON ALLEGIANCE
HOSPITAL'S MOTION TO DISMISS (ECF #38) AND (2) DISMISSING
PLAINTIFF'S CLAIMS AGAINST DEFENDANT JACKSON
ALLEGIANCE HOSPITAL WITH PREJUDICE**

Plaintiff Carl Bennett is a former inmate in the Michigan Department of Corrections (“MDOC”). On December 24, 2015, Bennett filed a *pro se* prisoner civil-rights Complaint in which he alleged, among other things, that the MDOC was indifferent to his medical needs. (*See* Compl., ECF #1.) Bennett later retained counsel, and his counsel filed an Amended Complaint on his behalf. (*See* Am. Compl., ECF #34.) The Amended Complaint asserts two state-law claims against Defendant Jackson Allegiance Hospital: (1) medical malpractice and (2) negligent infliction of emotional distress. (*See id.*) Jackson Allegiance Hospital filed a motion to dismiss the amended complaint. (*See* ECF #38.)

On September 13, 2017, the assigned Magistrate Judge issued a Report and Recommendation recommending that the Court grant Defendant Jackson Allegiance Hospital's motion and dismiss Bennett's claims against Jackson Allegiance Hospital with prejudice (the "R&R"). (See ECF #57.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (See *id.* at Pg. ID 753.)

Plaintiff has not filed any objections to the R&R. The failure to file objections to an R&R 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). Likewise, 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 Plaintiff has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant Defendant Jackson Allegiance Hospital's Motion to Dismiss and dismiss claims against Jackson Allegiance Hospital with prejudice is **ADOPTED**.

IT IS FURTHER ORDERED that (1) Defendant Jackson Allegiance Hospital's Motion to Dismiss (ECF #38) is **GRANTED** and (2) Bennett's claims against Defendant Jackson Allegiance Hospital are **DISMISSED WITH PREJUDICE**.

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

Dated: December 18, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 18, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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