

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRENDA SANDERS,

Plaintiff,
v.

Case No. 16-12959

HON. AVERN COHN

MICHIGAN SUPREME COURT, et al.,

Defendants.
_____ /

ORDER
ADOPTING REPORT AND RECOMMENDATION (Doc. 215)
AND DISMISSING DEFENDANTS LAIDLER & ZIELINKSI and CYRIL HALL
AND
CLOSING CASE

On August 15, 2016, plaintiff proceeding pro se and in forma pauperis, filed a complaint against multiple defendants, ranging from courts, state agencies, judges, and attorneys. As best as can be gleaned, plaintiff claims violations of state and federal law relating to proceedings before the Michigan Supreme Court and Michigan Judicial Tenure Commission which resulted in her removal from the bench upon a finding that she is “mentally unfit.” She also claims violations of federal law during her employment as a state district court judge, including Title VII (race, religion, and gender discrimination) and the Americans with Disabilities Act. Pretrial matters have been referred to a magistrate judge (Doc. 85). Following several motions to dismiss and reports and recommendations which were adopted by the Court, the only remaining defendants are Laidler & Zielinski, a law firm, and Cyril Hall, an attorney.

On January 22, 2019, the magistrate judge issued a report and recommendation (MJRR), recommending that these remaining defendants be sua sponte dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii) and Fed. R. Civ. P. 12(b)(1) because plaintiff's claims against them are frivolous and otherwise fail to state a viable claim. (Doc. 215). Also on that date, the magistrate judge issued an order denying plaintiff's motion to file a fourth amended complaint (Doc. 197) in which she sought to add new defendants and additional claims (Doc. 216).

Plaintiff has not objected to the MJRR or the order denying her motion to amend and the time for objections has passed.¹

The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation 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 motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge. Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Defendants Laidler & Zielinski and Cyril Hall are DISMISSED.

¹In order to preserve the right to appeal a magistrate judge's ruling, a party must file objections within fourteen (14) days of service of the MJRR. Fed. R. Civ. P. 72(b)(2). Under Fed. R. Civ. P. 5(b)(2)(C), a person is served on the date a paper is mailed to his or her last known address. Counting begins the day after mailing. Fed. R. Civ. P. 6(a)(1)(A). The MJRR was mailed on January 22, 2019. Counting from January 23, and adding 3 days under Fed. R. Civ. P. 6(d), plaintiff's objections were due February 8, 2019.

Because all defendants have been dismissed and plaintiff has been denied leave to file a fourth amended complaint, this case is CLOSED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 2/20/2019
Detroit, Michigan