

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMANTHA RAJAPAKSE,

Plaintiff,

Case No. 16-cv-13144

Hon. Matthew F. Leitman

v.

CREDIT ACCEPTANCE CORP.,

Defendant.

ORDER (1) ADOPTING MAGISTRATE JUDGE'S RECOMMENDED DISPOSITION (ECF #24), (2) GRANTING DEFENDANT'S MOTION TO COMPEL ARBITRATION (ECF #12), (3) TERMINATING PLAINTIFF'S MOTIONS FOR INJUNCTIVE RELIEF (ECF #15) AND FOR SUMMARY JUDGMENT (ECF #22) AS MOOT, AND (4) DISMISSING COMPLAINT (ECF #1) WITHOUT PREJUDICE

In this action, *pro se* Plaintiff Samantha Rajapakse alleges that Defendant Credit Acceptance Corporation (“CAC”) violated the Fair Debt Collection Practices Act and the Michigan Consumer Protection Act. (*See* Compl., ECF #1.) On October 16, 2016, CAC filed a motion to compel arbitration based on an arbitration agreement that it entered into with Rajapakse (the “Arbitration Motion”). (*See* ECF #12.) Rajapakse has also filed two motions, one seeking injunctive relief (the “Injunction Motion”) (*see* ECF #15) and one seeking summary judgment (the “Summary Judgment Motion”) (*see* ECF #22).

On July 28, 2017, the assigned Magistrate Judge issued a report and recommendation in which she addressed all three motions (the “R&R”). (*See* ECF #24) The Magistrate Judge concluded that all of Rajapakse’s claims were “subject to final and binding arbitration.” (*Id.* at Pg. ID 180.) She therefore recommended that the Court (1) grant the Arbitration Motion, (2) dismiss this action without prejudice so that the parties could resolve their dispute in binding arbitration, and (3) terminate the Injunction Motion and the Summary Judgment Motion as moot. (*See id.*) At the conclusion of the R&R, the Magistrate Judge instructed Rajapakse that if she wanted to seek review of the recommendation, she needed to file specific written objections with the Court within fourteen days. (*See id.* at Pg. ID 180-81.)

Rajapakse has not filed any objections to the R&R. Instead, on August 7, 2017, she filed a document titled “Plaintiff Submission of Evidence to Support Her Motion for Summary Judgment With Newly Attach Evidence.” (*See* ECF #25.) This document appears to provide additional details about how CAC’s actions have affected Rajapakse’s credit score. (*See id.*) It does not include any objections to the R&R, does not reference the R&R in any way, and does not even attempt to address the R&R’s conclusion that Rajapakse must arbitrate her dispute with CAC.

Rajapakse’s failure to file specific objections to the R&R waives her right to appeal the Court’s ruling. *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, her failure to object to the 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 Rajapakse has not filed any objections to the R&R (ECF #24), **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of this matter is **ADOPTED**.

IT IS FURTHER ORDERED that the Arbitration Motion (ECF #12) is **GRANTED**, Rajapakse's Complaint (ECF #1) is **DISMISSED WITHOUT PREJUDICE**, and the Injunction Motion (ECF #15) and Summary Judgment Motion (ECF #22) are **TERMINATED AS MOOT**.

Dated: August 23, 2017

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

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 23, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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