

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DANIEL MARTIN,

Plaintiff,

CASE NO. 16-13614  
HON. DENISE PAGE HOOD

v.

SHERIFF ROBERT PICKELL, ET AL.,

Defendants.

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**OPINION AND ORDER ADOPTING REPORT AND  
RECOMMENDATION [#25] TO GRANT DEFENDANT'S  
MOTION FOR INVOLUNTARY DISMISSAL [#21]**

**I. BACKGROUND**

This matter is before the Court on a Report and Recommendation (Doc # 25) filed by Magistrate Judge R. Steven Whalen to grant the Motion for Involuntary Dismissal filed by Defendant Corizon (“Corizon”) (Doc # 21). To date, Plaintiff Daniel Martin (“Martin”) has not filed objections to the Report and Recommendation and the time to file such has passed. The Court ACCEPTS and ADOPTS the Report and Recommendation, GRANTS Corizon’s Motion for Involuntary Dismissal, DISMISSES Defendant Corizon from this action, and *sua sponte* DISMISSES Defendant Robert Pickell (“Pickell”) from this action.

The background facts of this matter are adequately set forth in the Magistrate Judge's Report and Recommendation, and the Court adopts them here.

## **II. ANALYSIS**

### **A. Standard of Review**

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court “shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* In order to preserve the right to appeal the magistrate judge's recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508-09 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

The involuntary dismissal standard pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute is adequately set forth in the Magistrate Judge's Report and Recommendation, and the Court adopts it here.

After review of the Magistrate Judge's Report and Recommendation, the Court finds that his findings and conclusions are correct. The Court agrees with the Magistrate Judge that Martin has willfully failed to comply with the requirements of the Court, and has effectively abandoned his case.

Accordingly,

IT IS ORDERED that Magistrate Judge R. Steven Whalen's Report and Recommendation (Doc # 25) is ACCEPTED and ADOPTED as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendant Corizon's Motion for Involuntary Dismissal (Doc # 21) is GRANTED.

IT IS FURTHER ORDERED that Defendants Corizon and Pickell are DISMISSED with prejudice.

S/Denise Page Hood  
Denise Page Hood  
Chief Judge, United States District Court

Dated: August 31, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 31, 2017, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager