

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

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DEBRA K. STARK,

Plaintiff,

v.

CASE NO: 16-CV-14082-DT

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is before the court on Plaintiff's "Motion to Amend Complaint and Withdraw Claim" filed on 2/28/2017. The case was referred to United States Magistrate Judge Anthony P. Patti pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued his report on March 8, 2017 recommending that this court construe Plaintiff's "Motion to Amend Complaint to Withdraw Claim" as a motion for voluntary dismissal and grant the motion. No objections have been filed pursuant to 28 U.S.C. §636(b)(1)(C), thus further appeal rights are waived.<sup>1</sup>

Having reviewed the file and the Report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.

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<sup>1</sup>The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

**ORDER**

**IT IS ORDERED** that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Plaintiff's Motion to Amend Complaint and Withdraw Claim [Dkt # 11] is construed as a motion for voluntary dismissal pursuant to Federal Rule of Civil Procedure 41, and the same is **GRANTED**.

The Clerk is directed to close the case as **DISMISSED**.

IT IS SO ORDERED.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: April 7, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, April 7, 2017, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(810-292-6522)