

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SOVEREIGN O'DELL,

Plaintiff,

v.

HOLLY SELESKY,

Defendant.

Case No. 16-cv-14378

Paul D. Borman
United States District Judge

Stephanie Dawkins Davis
United States Magistrate Judge

ORDER (1) ADOPTING MAGISTRATE JUDGE DAVIS'S AUGUST 17, 2017
REPORT AND RECOMMENDATION (ECF NO. 26), (2) GRANTING IN PART
DEFENDANT'S MOTION TO DISMISS AND DISMISSING PLAINTIFF'S
FEDERAL LAW CLAIMS (ECF NO. 4), (3) GRANTING PLAINTIFF'S
MOTION TO REMAND HER STATE LAW CLAIMS (ECF NO. 5),
(4) REMANDING PLAINTIFF'S STATE LAW CLAIMS TO THE 67th
JUDICIAL DISTRICT COURT IN GENESEE COUNTY , AND (5) DENYING
AS MOOT PLAINTIFF'S REMAINING MOTIONS (ECF NOS. 14, 17, 20)

On August 17, 2017, Magistrate Judge Davis issued a Report and Recommendation to (1) grant in part and deny in part Defendant's motion to dismiss (ECF No. 4) and dismiss Plaintiff's federal law claims, (2) grant Plaintiff's motion to remand her state law claims (ECF No. 5), (3) remand Plaintiff's state law claims to state court, and (4) deny as moot Plaintiff's motions for a stay, for renewed remand, and for mandamus (ECF Nos. 14, 17, 20).

Having reviewed the Report and Recommendation, and there being no timely objections from any party under 28 U.S.C. § 636(b)(1) and E.D. Mich L. R. 72.1(d), the Court ORDERS that:

(1) Magistrate Judge Davis's August 17, 2017 Report and Recommendation is ADOPTED;

(2) Defendant's Motion to Dismiss is GRANTED IN PART as to Plaintiff's federal law claims and DENIED IN PART as to Plaintiff's state law claims;

(3) Plaintiff's Motion to Remand her state law claims is GRANTED;

(4) Plaintiff's Motion to Stay, Renewed Motion for Remand, and Motion for Mandamus are DENIED AS MOOT; and

(5) Plaintiff's federal claims are DISMISSED and her state law claims are REMANDED to the 67th Judicial District Court in Genesee County.¹

¹ On August 17, 2017, Plaintiff filed a document titled "Statement to the Court - Notice of Exigent Circumstances and Notice of Intent to Proceed." (ECF No. 27.) That filing, which was filed on the same day as Magistrate Judge Davis filed the Report and Recommendation that is the subject of this Order, neither tolled the 14-day time period within which Plaintiff (an E-filer well acquainted with the Court's E-filing procedures) was permitted to file Objections to that Report and Recommendation, nor presented meritorious grounds for an extension of time within which to respond to this Court's July 13, 2017 Order, which had generously granted Plaintiff a second opportunity, until July 27, 2017, to file an amended complaint in this action, which Plaintiff failed to do. (ECF No. 25.)

This Court has been extremely cognizant of Plaintiff's *pro se* status, and has granted her every reasonable leniency. But the Court will not entertain her request for an

IT IS SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: September 7, 2017

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 7, 2017.

s/Deborah Tofil
Case Manager

extension of time that was filed over three weeks after the deadline for filing her amended complaint had passed. Importantly, the Court's July 13, 2017 Order held in abeyance any ruling by the Magistrate Judge on the motions that are now resolved in the instant Report and Recommendation. The Magistrate Judge withheld ruling on those motions for over a month, giving Plaintiff ample time to comply with the Court's July 13, 2017 directive, which Plaintiff failed to do. Plaintiff's request for a further extension of time is denied.