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

MAURICE TAYLOR,

v.

Case Number 17-12271 Honorable David M. Lawson Magistrate Judge Anthony P. Patti

CORIZON MEDICAL CORPORATION, and MICHIGAN DEPARTMENT OF CORRECTIONS,

Defendants.

## ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION, GRANTING DEFENDANT'S MOTION TO DISMISS, AND DISMISSING COMPLAINT WITH PREJUDICE

Presently before the Court is the report issued on April 3, 2018 by Magistrate Judge Anthony P. Patti pursuant to 28 U.S.C. § 636(b), recommending that the Court grant defendant Michigan Department of Corrections's motion to dismiss. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n 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 matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #41] is **ADOPTED**.

It is further **ORDERED** that defendant Michigan Department of Corrections's motion to dismiss [dkt. #17] is **GRANTED**.

It is further **ORDERED** that the complaint is **DISMISSED WITH PREJUDICE** as to defendant Michigan Department of Corrections **ONLY**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 23, 2018

## PROOF 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 April 23, 2018.

s/Susan Pinkowski SUSAN PINKOWSKI