UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PETER MENGEL,

Plaintiff,

CASE NO. 17-12614
HON. DENISE PAGE HOOD

v.

THOMAS WHITE, et al.,

Defendants.
_____/

OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION [#13] TO DISMISS PLAINTIFF'S LAWSUIT FOR FAILURE TO PROSECUTE

I. BACKGROUND

This matter is before the Court on a Report and Recommendation (Doc # 13) filed by Magistrate Judge Elizabeth A. Stafford to dismiss Plaintiff Peter Mengel's ("Mengel") lawsuit against Defendants Thomas White ("White") and Marcia Sorenson ("Sorenson") for Mengel's failure to prosecute. (Doc # 13) To date, Plaintiff Mengel 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, and **DISMISSES** this lawsuit.

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 her findings and conclusions are correct. The Court agrees with the

Magistrate Judge that Mengel has willfully failed to comply with the requirements of the Court, and has effectively abandoned his case.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Elizabeth A. Stafford's Report and Recommendation (Doc # 13) is **ACCEPTED** and **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that this lawsuit is **DISMISSED WITH PREJUDICE**.

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

Dated: August 16, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 16, 2018, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager