

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH HUNT,

Plaintiff,

v.

Case No. 17-12680

SHERIFF BENNY NAPOLEON, et al.,

HON. AVERN COHN

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 29)
AND
DISMISSING CASE

I. Introduction

This is a pro se civil rights case under 42 U.S.C. § 1983. Plaintiff is currently a state prisoner at the Michigan Department of Corrections' (MDOC) Cooper Street Correctional Facility. Prior to his incarceration with the MDOC, he was incarcerated at the Wayne County Jail from January 31, 2017 through November 22, 2017. Plaintiff's claims arise from when he was housed in the Wayne County Jail. He claims that poor conditions at the jail made him sick, that jail lock down procedures unconstitutionally deprived him of privileges, and that the absence of shower curtains violates his right to privacy. He names as defendants Wayne County Sheriff Benny Napoleon, Officer Favors, sanitation investigator FNU Fann, hearing officer Gary (last name unknown), and the Wayne County Jail.¹ He is suing defendants in their official capacities and seeks \$500,000 in monetary damages.

The matter has been referred to a magistrate judge for pretrial proceedings. (Doc. 9). The magistrate judge issued a report and recommendation (MJRR), recommending that

¹The Court later dismissed plaintiff's claims against defendants Gary and the Wayne County Jail. See Doc. 7.

plaintiff's claims be dismissed against the remaining defendants (Napoleon, Favors, and Fann) for failure to state a claim. The magistrate judge also recommends that defendants' motion to dismiss or for summary judgment be denied as moot.²

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation 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 defendants' motion. See Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge's recommendations.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. The case is DISMISSED for failure to state a claim. See 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b). Defendants' motion is DENIED AS MOOT.

This case is DISMISSED.

SO ORDERED.

Dated: 6/4/2019
Detroit, Michigan

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

²The magistrate judge also denied plaintiff's motion for leave to amend his response (Doc. 27) and struck plaintiff's amended response (Doc. 28). Plaintiff has not challenged this order.