

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MICHIGAN
 SOUTHERN DIVISION

LAMONT HEARD,

Plaintiff,

v.

YARNICE STRANGE and KYLE
 SHANNON,

Defendants.

Case No. 17-13904

Honorable Nancy G. Edmunds

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**OPINION AND ORDER ACCEPTING THE MAGISTRATE JUDGE’S JUNE 21, 2018
 REPORT AND RECOMMENDATION [24]; DENYING WITHOUT PREJUDICE
 DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT [13]; CONSTRUING
 PLAINTIFF’S “MOTION TO DISMISS DEFENDANTS’ MOTION FOR SUMMARY
 JUDGMENT” [16] AS A RESPONSE; AND DENYING WITHOUT PREJUDICE
 PLAINTIFF’S REQUEST FOR DISCOVERY**

Currently before the Court is the Magistrate Judge’s June 21, 2018 report and recommendation. (Dkt. # 24). The Court is fully advised in the premises and has reviewed the record and the pleadings. No party has filed objections. “[T]he failure to object to the magistrate judge’s report[] releases the Court from its duty to independently review the matter.” *Hall v. Rawal*, 09-10933, 2012 WL 3639070, at *1 (E.D. Mich. Aug. 24, 2012) (citation omitted). The Court nevertheless agrees with the Magistrate Judge’s recommendation. The Court therefore ACCEPTS and ADOPTS the Magistrate Judge’s report and recommendation (Dkt. # 24).

The Court having granted Plaintiff leave to amend his complaint,

IT IS HEREBY ORDERED that Defendants' motion for summary judgment (Dkt. # 13) is DENIED WITHOUT PREJUDICE as moot.

The Court construes Plaintiff's "Motion to Dismiss Defendants' Motion for Summary Judgment" (Dkt. # 16) as a response opposing Defendants' motion. To the extent Plaintiff moves to compel discovery, IT IS FURTHER ORDERED that Plaintiff's request is DENIED WITHOUT PREJUDICE as moot, given Defendants' later response to Plaintiff's discovery requests.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: August 31, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 31, 2018, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager