

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRICK JACKSON,

Plaintiff,

v.

Case Number 18-11140

Honorable David M. Lawson

Magistrate Judge Stephanie Dawkins Davis

E. SCHULTZ, HEIDI E. WASHINGTON,

JOSEPH BARRETT, JEFF RICE, and

FUQUA,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING
CLAIMS AGAINST DEFENDANTS E. SCHULTZ, HEIDI E. WASHINGTON, AND
JOSEPH BARRETT ONLY, DIRECTING PLAINTIFF TO COMPLETE SERVICE
DOCUMENTS, AND DIRECTING SERVICE BY UNITED STATES MARSHAL**

Presently before the Court is the report issued on November 27, 2018 by Magistrate Judge Stephanie Dawkins Davis pursuant to 28 U.S.C. § 636(b), recommending that the Court dismiss the claims against defendants E. Schultz, Heidi E. Washington, and Joseph Barrett because the plaintiff has failed to allege sufficient facts to show that they personally were involved in any violation of his rights. 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 report and recommendation (ECF No. 9) is **ADOPTED**, and all of the plaintiff's claims against defendants E. Schultz, Heidi E. Washington, and Joseph Barrett **ONLY** are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that, **on or before February 4, 2019**, the plaintiff must complete and present to the Clerk of Court each of the following with respect to defendants Jeff Rice and Fuqua: (a) one copy of the complaint for each defendant; (b) two USM 285 forms for each defendant; and (c) three summonses for each defendant. Blank copies of the USM 285 form and summons are available for download on the Court's website.

It is further **ORDERED** that, upon receipt of the completed documents listed above, the Clerk of Court shall process the case for service by the U.S. Marshal, and the Marshal shall serve a copy of the complaint, summons, and this order upon each defendant without prepayment of the usual costs for such service.

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

Date: January 9, 2019

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 January 9, 2019.

s/Susan K. Pinkowski _____
SUSAN K. PINKOWSKI