

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PATRICK ALAN SOURANDER,

Plaintiff,

v.

SHERIFF HOWARD HANFT, ET AL.,

Defendants.

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Case No. 18-cv-11162

UNITED STATES DISTRICT COURT JUDGE  
GERSHWIN A. DRAIN

UNITED STATES MAGISTRATE JUDGE  
R. STEVEN WHALEN

**ORDER ACCEPTING AND ADOPTING REPORT AND  
RECOMMENDATION [#24] AND DENYING DEFENDANTS' MOTION TO  
DISMISS [#12]**

This matter is before the Court on Defendants' Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(b) for Plaintiff's alleged failure to prosecute. Dkt. No. 12. The Court referred this matter to Magistrate Judge R. Steven Whalen, who issued a Report and Recommendation on October 29, 2018, recommending that the Court deny Defendants' Motion to Dismiss. Dkt. No. 24. Neither party has filed an objection to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C) ("Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of the court."). Upon review of the parties' briefs and the Magistrate Judge's Report

and Recommendation, the Court concludes that the Magistrate reached the correct conclusion.

Accordingly, the Court ACCEPTS and ADOPTS Magistrate Judge Whalen's October 29, 2018 Report and Recommendation [#24] as this Court's findings of fact and conclusions of law. Defendants' Motion to Dismiss [#12] is hereby DENIED.

IT IS SO ORDERED.

Dated: November 16, 2018

s/Gershwin A. Drain  
HON. GERSHWIN A. DRAIN  
United States District Court Judge

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, November 16, 2018, by electronic and/or ordinary mail.

s/Teresa McGovern  
Case Manager Generalist