

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRACY NIXON,

Plaintiff,

v.

Case Number 18-12118

Honorable David M. Lawson

Magistrate Judge David R. Grand

GENERAL MOTORS CORPORATION,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING COMPLAINT**

Presently before the Court is the report issued on October 30, 2018 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendant's motion to dismiss because the complaint fails to state any plausible claim for relief and the plaintiff has not completed service of process within the time allowed by Federal Rule of Civil Procedure 4(m). 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. 20) is **ADOPTED**, the defendant's motion to dismiss (ECF No. 19) is **GRANTED**, and the complaint is **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that the previously issued report and recommendation (ECF No. 14) is **DISMISSED** as moot.

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

Date: November 28, 2018

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 November 28, 2018.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI