

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EARL DIAMOND,

Plaintiff,

v.

Civil Case No. 19-12409
Honorable Linda V. Parker

GENESEE COUNTY LANDBANK,

Defendant.

OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S JUNE 25, 2020 REPORT AND RECOMMENDATION, (2) DENYING PLAINTIFF'S MOTIONS FOR PRELIMINARY INJUNCTION, AND (3) GRANTING DEFENDANT'S MOTION TO DISMISS

This lawsuit arises from an action to evict Plaintiff from property in Genesee County, Michigan. On August 15, 2019, Plaintiff filed this lawsuit against Defendant seeking to appeal certain state court decisions related to the eviction and claiming discrimination. The matter has been referred to Magistrate Judge Anthony P. Patti for all pretrial matters. (ECF No. 30.) Plaintiff has filed two motions for preliminary injunction (ECF Nos. 23, 32), and Defendant has filed a motion to dismiss (ECF No. 55.) On June 25, 2020, Magistrate Judge Patti issued a report and recommendation ("R&R") recommending that the Court deny Plaintiff's first motion for preliminary injunction and grant Defendant's motion to dismiss. (ECF No. 68.)

At the conclusion of his R&R, Magistrate Judge Patti advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (Id.) Neither party filed objections to the R&R.¹

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Patti. Therefore, the Court is adopting the R&R. As the Court agrees with Magistrate Judge Patti that Plaintiff fails to state a viable claim, it also is denying Plaintiff’s second preliminary injunction motion. (ECF No. 32.)

Accordingly,

IT IS ORDERED that Plaintiff’s motions for preliminary injunction (ECF No. 23, 32) are **DENIED**;

¹ Plaintiff sent the Court a Notice of Change of Address/Contact Information, which was dated July 2, 2020 (ECF No. 69); however, this was a week after Magistrate Judge Patti served the R&R on Plaintiff. Unlike previous mailings which the postal service returned to the Court as “undeliverable to Plaintiff—despite being mailed to the address he supplied—the R&R has not been returned. The Court therefore must presume that it was received. Plaintiff also submitted a request for a hearing “on the summary judgment motion” in Flint, and he waived “his right for a hearing” if it was held in Detroit. (ECF No. 70.) This Court has found a hearing unnecessary to resolve the pending motions.

IT IS FURTHER ORDERED that Defendant's motion to dismiss (ECF No. 55) is **GRANTED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: August 7, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, August 7, 2020, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager