

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEVE-LEE SWARTZ and JACOB LEE
SWARTZ,

Case No. 19-13035

Plaintiffs,

Honorable Nancy G. Edmunds

v.

OFFICER DILLION HOWE, ET. AL.,

Defendants.
_____ /

**ORDER ACCEPTING THE MAGISTRATE JUDGE'S
AUGUST 10, 2020 REPORT AND RECOMMENDATION [21]**

Pending before the Court is the magistrate judge's August 10, 2020 report and recommendation. (ECF No. 21.) The magistrate judge recommends that the Court deny Plaintiffs' objection to removal of this action to this Court (ECF No. 5) and grant Defendants' motion to dismiss Plaintiffs' complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF No. 6). The Court is fully advised in the premises and has reviewed the record and the pleadings. None of the parties timely filed objections to the magistrate judge's report and recommendation, which ordinarily "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). However, after the deadline to file its response, Plaintiffs filed their Statement of Fact and Response to Report and Recommendation and Firsthand Witness Testimony. (ECF No. 22.) Having reviewed Plaintiffs' brief and Defendants response, the Court finds that Plaintiffs fail to raise any valid objections to the magistrate judge's report and recommendation. Moreover, after

reviewing the entire record in this matter, the Court agrees with the magistrate judge's report and recommendation.

The Court therefore **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation, **DENIES** Plaintiffs' objection to removal, and **GRANTS** Defendants' motion to dismiss. It is further ordered that Plaintiffs' complaint is hereby **DISMISSED** with prejudice.

SO ORDERED.

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

Dated: September 17, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 17, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager