

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SYLVESTER HILL,

Plaintiff,

v.

Case Number 20-12335

Honorable David M. Lawson

Magistrate Judge Elizabeth A. Stafford

WHITE, HUIZAR, and SCHOTT,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING THE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT,
DENYING THE PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT,
AND DISMISSING THE COMPLAINT**

Presently before the Court is the report issued on December 20, 2021 by Magistrate Judge Elizabeth A. Stafford pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendants' motion for summary judgment and deny the plaintiff's motion for default judgment. The Court sent a copy of the report and recommendation to the plaintiff at the address he provided when he filed his complaint. However, the report and recommendation was returned as undeliverable because the plaintiff failed to serve notice that this address had changed. ECF No. 34. The local rules of this District require the petitioner to maintain an updated address on the docket. E.D. Mich. LR 11.2 ("If there is a change in the contact information, that person promptly must file and serve a notice with the new contact information."). A party's failure to file current contact information may result in sanctions including dismissal of his case. *Ibid*.

The deadline for filing objections to the magistrate's report has passed, and no objections have been filed. The plaintiff's 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. 33) is **ADOPTED**.

It is further **ORDERED** that the defendants' motion for summary judgment (ECF No. 23) is **GRANTED**.

It is further **ORDERED** that the plaintiff's motion for default judgment (ECF No. 25) is **DENIED**.

It is further **ORDERED** that the complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**.

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

Dated: January 19, 2022