

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

TERRY BOWLING,

Plaintiff,

v.

Case No. 22-11897

Hon. Denise Page Hood

WELLPATH, INC., CORIZON
HEALTH INC., KIM FARRIS,
JULIANA MARTINO, and
JOHN DOE 1-4

Defendants.

**ORDER ACCEPTING AND ADOPTING THE SEPTEMBER 13, 2024,
REPORT AND RECOMMENDATION [ECF NO. 67]**

This matter is before the Court on a Report and Recommendation [ECF No. 67] filed by Magistrate Judge Kimberly G. Altman. To date, no Objections have been filed by Plaintiff Terry Bowling and the time to file such has passed.

The standard of review by the district court when analyzing a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court “shall make a de novo determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made.” 28 U.S.C. § 636(B)(1)(c). Further, the Court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate.” *Id.* In order to preserve the right to appeal the Magistrate Judge’s recommendation, a party must file objections to the

Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Upon Review of the Report and Recommendation, the Court concludes that Plaintiff failed to comply with Magistrate Judge Altman's order to respond to Defendants' Kim Farris and Juliana Martino's discovery requests. The Court agrees that Plaintiff was aware that his failure to comply could result in dismissal of this matter. The Court agrees that Plaintiff has demonstrated a failure to prosecute this matter to the detriment of the Defendants. Therefore, dismissal of this matter pursuant to Federal Rules of Civil Procedure 37 and 41(b) is appropriate because Plaintiff has failed to both prosecute this matter and comply with the Magistrate Judge's order.

The Court further agrees that this matter should also be dismissed as to Corizon and the Unidentified Doe Defendants.

For the reasons set forth above,

IT IS ORDERED that Magistrate Judge Kimberly G. Altman's Report and Recommendation [ECF No. 67] is ACCEPTED AND ADOPTED as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss is GRANTED. All Defendants and the entire action are DISMISSED without prejudice.

Dated: March 6, 2025

/s/Denise Page Hood _____
Denise Page Hood
United States District Judge