

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMIE REILLY,

Plaintiff,

v.

Case No. 22-cv-11952

Hon. Matthew F. Leitman

ST. CLAIR COUNTY, *et al.*,

Defendants.

ORDER (1) ADOPTING THE RECOMMENDED DISPOSITION OF REPORT AND RECOMMENDATION TO DISMISS THE “JOHN DOE” DEFENDANTS (ECF No. 28); (2) DISMISSING ALL CLAIMS AGAINST DEFENDANTS JOHN DOE AND JANE DOE; (3) ADOPTING RECOMMENDED DISPOSITION OF REPORT AND RECOMMENDATION REGARDING DEFENDANTS’ AMENDED MOTION TO DISMISS AND DEFENDANTS’ ORIGINAL MOTION TO DISMISS (ECF No. 27); (4) GRANTING DEFENDANTS’ AMENDED MOTION TO DISMISS SECOND LAWSUIT (ECF No. 22); AND (5) DENYING DEFENDANTS’ ORIGINAL MOTION TO DISMISS (ECF No. 15) AS MOOT

On August 19, 2022, Plaintiff Jamie Reilly¹ filed this *pro se* civil action against a number of individuals and municipal entities. (*See* Compl., ECF No. 1.) Reilly broadly alleges that, while she was confined as a pretrial detainee in the St. Clair County Jail, “she was subjected to inhumane living conditions, deliberate indifference, and sexual abuse/harassment.” (*Id.*, PageID.1-2.) Reilly seeks to hold

¹ Plaintiff is listed as a biological male in MDOC’s Offender Tracking Information System, but identifies as a female and uses female pronouns in the Complaint.

the various named Defendants liable under 42 U.S.C. § 1983, the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, and the Rehabilitation Act (RA), 29 U.S.C. § 794 *et seq.* The suit was referred to Magistrate Judge Patricia Morris for all pretrial proceedings on December 5, 2022.

Now before the Court are two Report and Recommendations issued by Magistrate Judge Morris (the “R&Rs”). The first R&R was entered on April 5, 2023 (the “April 5 R&R”). It concerns two motions to dismiss filed by Defendants St. Clair County, St. Clair Jail, St. Clair County Commissioners, Tim Donnellon, Tom Buckley, Matt Paulus, Tom Bliss, Kyle Adams, Richard Olejnik, Greg McConnell, Karl Tomion, Howard Heidemann, Duke Dunn, Jeffrey Bohm, David Rushing, Bill Gratopp, Daniel Kelly, Deputy Gilbert, Deputy O’Boyle, Deputy Lepola, and Deputy Bell (“the County Defendants”). In the April 5 R&R, Magistrate Judge Morris recommended that the County Defendants’ Amended Motion to Dismiss (ECF No. 22) be **GRANTED**, and that the County Defendants’ original Motion to Dismiss (ECF No. 15) be **DENIED AS MOOT**.

The second Report and Recommendation was issued on April 18, 2023 (the “April 18 R&R”). In that R&R, Magistrate Judge Morris recommended that all claims against Defendants John Doe and Jane Doe be **DISMISSED**.

At the conclusion of both R&R's, Magistrate Judge Morris advised Reilly that if she wished to file objections, she needed to do so within 14 days. Reilly has not filed any objections to either R&R. The failure to object to a Report and Recommendation releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to object waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Reilly has failed to file any objections to either R&R, **IT IS HEREBY ORDERED** that the recommended dispositions of both the April 5 R&R (ECF No. 27) and the April 18 R&R (ECF No. 28) are **ADOPTED**. For the reasons explained in the R&Rs, **IT IS FURTHER ORDERED THAT:**

- The County Defendants' Amended Motion to Dismiss Second Lawsuit (ECF No. 22) is **GRANTED**. To the extent that the claims against the County Defendants were not already dismissed in the Court's Order Summarily Dismissing Claims against Defendants St. Clair County, St. Clair County Jail, St. Clair County Commissioners, Greg McConnell, Karl Tomion, Howard Heidemann, Duke Dunn, Jeffrey Bohm, David Rushing, and Bill Gratopp (ECF No. 26), all claims against the County Defendants are **DISMISSED**.

- The County Defendants' Motion to Dismiss (ECF No. 15) is **DENIED AS MOOT.**
- All claims against Defendants John Doe and Jane Doe are **DISMISSED.**

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: May 22, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 22, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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