

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL TELLIS,

Plaintiff,

v.

Case No. 22-12275

Hon. Jonathan J.C. Grey

Magistrate Judge Curtis Ivy, Jr.

MICHAEL BOUCHARD,

Defendant.

/

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF
No. 44)**

Plaintiff Darryl Tellis filed this case pro se on September 27, 2022, against Defendant Michael Bouchard, Oakland County Sheriff, in his individual capacity for violations of the Eighth Amendment. (ECF No. 1.) On January 31, 2023, all pre-trial matters in this case were referred to United States Magistrate Judge Curtis Ivy, Jr. (ECF No. 10.) On October 26, 2023, Bouchard filed a motion for summary judgment. (ECF No. 32.)

This matter comes before the Court on Magistrate Judge Curtis Ivy, Jr.'s Report and Recommendation dated May 29, 2024. (ECF No. 44.) In the Report and Recommendation, Judge Ivy recommends that the Court grant Bouchard's motion for summary judgment (ECF No. 32) and dismiss Tellis' claims for failing to show that Bouchard's deliberate

indifference deprived Tellis of the minimal necessities of civilized life. (ECF No. 44.) No party has filed an objection to the Report and Recommendation.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above, **IT IS ORDERED** that the Report and Recommendation dated May 29, 2024 (ECF No. 44) is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Bouchard's motion for summary judgment (ECF No. 32) is **GRANTED**.

IT IS FURTHER ORDERED that this cause of action is
DISMISSED WITH PREJUDICE.

SO ORDERED.

Dated: September 25, 2024

s/Jonathan J.C. Grey
Jonathan J.C. Grey
United States District Judge

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 25, 2024.

s/ S. Osorio
Sandra Osorio
Case Manager