

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEONARD DORANCE OSTRANDER,

Plaintiff ,

Case No. 23-cv-10803

Honorable Linda V. Parker

v.

R. SMITH AND JOHN DOE,

Defendants.

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**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE’S OCTOBER  
15, 2024 REPORT AND RECOMMENDATION AND DISMISSING  
PLAINTIFF’S COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL  
PROCEDURE 41(b)**

Plaintiff commenced this lawsuit against Defendants on April 7, 2023. The matter has been assigned to Magistrate Judge Curtis Ivy, Jr. for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).

On October 15, 2024, Magistrate Judge Ivy issued a report and recommendation (“R&R”) recommending that the Court dismiss Plaintiff’s Complaint for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). He therefore also recommends that Defendant Smith’s pending dispositive motion be denied as moot. At the conclusion of the R&R, Magistrate Judge Ivy

advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. Magistrate Judge Ivy further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Ivy. The Court therefore adopts the R&R.

Accordingly,

**IT IS ORDERED** that Plaintiff’s Complaint is **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b).

**IT IS FURTHER ORDERED** that Defendant Smith’s motion for summary judgment (ECF No. 42) is **DENIED AS MOOT**.

s/ Linda V. Parker  
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LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: November 25, 2024

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, November 25, 2024, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan  
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Case Manager