

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

LINDA BAIN,

Plaintiff,

v.

LOUTRICIA WILLIS, *et. al.*,

Defendants.

Case No. 24-cv-10090

Hon. Brandy R. McMillion

Mag. Elizabeth A. Stafford

**ORDER ADOPTING RECOMMENDED DISPOSITION OF REPORT AND
RECOMMENDATION (ECF NO. 23) GRANTING DEFENDANTS'
MOTION TO DISMISS (ECF NO. 15) AND DENYING PLAINTIFF'S
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT (ECF NO. 21)**

Plaintiff Linda Bain brings this *pro se* employment discrimination action against the Michigan Department of Labor, Michigan Civil Service Department, and several individual defendants, pursuant to Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), and Michigan's Elliott-Larsen Civil Rights Act (ELCRA); and she also advances a state-law claim for assault. *See* ECF No. 7.

This matter was originally assigned to the Honorable Matthew F. Leitman, who referred all pretrial matters to Magistrate Judge Elizabeth A. Stafford. ECF No. 6. This case was reassigned to the undersigned on April 2, 2024. Administrative

Order 24-AO-007. On April 9, 2024, this Court re-referred all pretrial matters to Magistrate Judge Stafford. ECF No. 13. Pending before the Court is Defendants' Motion to Dismiss (ECF No. 15) and Plaintiff's Motion for Leave to File an Amended Complaint (ECF No. 21).

On September 25, 2024, in a Report and Recommendation ("R&R"), the Magistrate Judge recommended that the Court grant Defendants' motion to dismiss and deny Plaintiff's motion to amend. ECF No. 23. At the end of the R&R, the Magistrate Judge advised the parties that to seek review of his recommendation, they had to file specific objections with the Court within 14 days of service of the R&R. *Id.* at PageID.547-548. As of the date of this order, October 24, 2024—29 days since the Magistrate Judge filed the R&R—neither party has filed objections to the R&R or contacted the Court to ask for more time to file objections.

The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also Ivey v. Wilson*, 832 F.2d 950, 957-58 (6th Cir. 1987) (explaining that a party's failure to timely object to a report and recommendation allows a court to accept the recommendation "without expressing any views on the merits of the magistrate's conclusions"). Similarly, failure to object to an R&R forfeits any further right to appeal. *See Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019) (recognizing that a party forfeits their right to appeal by failing to timely file objections to an R&R).

Accordingly, because neither party objected to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of Defendants' and Plaintiff's motions (ECF No. 23) is **ADOPTED**.

IT IS ORDERED that Defendants' Motion to Dismiss (ECF No. 15) is **GRANTED**. Plaintiff's Motion for Leave to File Amended Complaint (ECF No. 21) is **DENIED**. Plaintiff's Amended Complaint (ECF No. 7, 8) is **DISMISSED**.

This is a final order that closes the case.

IT IS SO ORDERED.

Dated: October 24, 2024

s/Brandy R. McMillion
Hon. Brandy R. McMillion
United States District Judge