

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRYAN ALLEN CARY,

Plaintiff,

v.

Case No. 24-cv-10489

Hon. Matthew F. Leitman

CREWS *et al.*,

Defendant.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 25) AND (2) GRANTING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (ECF No. 19)**

Plaintiff Bryan Allen Cary is a state inmate in the custody of the Michigan Department of Corrections (the "MDOC"). In this action, Cary brings a civil-rights claim against several employees of the MDOC. (*See* Compl., ECF No. 1.) Cary appears to allege that the Defendants violated his civil rights when they refused to move him to protective custody and/or allow him to eat his meals in his cell so that he could protect himself against threats made against him by other inmates. (*See id.*)

On August 19, 2024, Defendants filed a motion for summary judgment based on Cary's alleged failure to exhaust his administrative remedies against them before he filed this action. (*See* Mot., ECF No. 19.) The motion was referred to the assigned Magistrate Judge. (*See* Order, ECF No. 11.)

On December 12, 2024, the Magistrate Judge issued a report and recommendation in which he recommended that the Court grant the motion (the “R&R”). (*See* R&R, ECF No. 25.) The Magistrate Judge then informed the parties that if they wished to file an objection to his recommendation, they needed to do so within fourteen days. (*See id.*, PageID.237-238.)

Cary has not filed any objections to the R&R. Nor has he contacted the Court seeking additional 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, (6th Cir. 1987) (where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). Likewise, the failure to file objections to an R&R 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 Cary has not filed any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of Defendants’ summary judgment motion is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment (ECF No. 19) is **GRANTED**. Cary's Complaint is therefore **DISMISSED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 7, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 7, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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