Scott v. Bradford et al Doc. 69

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

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$\mathcal{D}^F$	v	Ш	J	S	U	U	ر ر	LJ	L,

Plaintiff,

v.

Case No. 13-12781 Honorable Linda V. Parker

MARILYN BRADFORD, WILLIAM MOLLISON, CHRISTOPHER CORRIVEAU, MARTIN BAY, D. BISHOP, C. KOBEL, L. LACEY, and T. BRANDERVER,

Defendants.	
	/

## OPINION AND ORDER DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE AGAINST DEFENDANTS MARTIN BAY, C. KOBEL, L. LACEY, AND T. BRANDERVER FOR FAILURE TO TIMELY EFFECTUATE SERVICE

Plaintiff David Scott commenced this civil rights action pursuant to 42 U.S.C. §§ 1983 and 1988 against Defendants on June 24, 2013. Plaintiff filed an amended complaint on December 10, 2013. The matter has been assigned to Magistrate Judge David R. Grand 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). (ECF No. 4.)

On July 10, 2014, Magistrate Judge Grand issued an order requiring Plaintiff to show cause by July 25, 2014, as to why his Complaint should not be dismissed without prejudice against Defendants Martin Bay, C. Kobel, L. Lacey, and T. Branderver, due to

Plaintiff's failure to effectuate timely service on those defendants. (ECF No. 63.) When

Plaintiff failed to respond to the show cause order, Magistrate Judge Grand issued a

Report and Recommendation ("R&R") on August 15, 2014, recommending that this Court

dismiss Plaintiff's Complaint against these defendants without prejudice. (ECF No. 66.)

At the conclusion of his R&R, Magistrate Judge Grand advises the parties that they may

object to and seek review of the R&R within fourteen days of service upon them. (Id. at

4.) He 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 Grand.

Accordingly,

**IT IS ORDERED**, that Magistrate Judge Grand's R&R is adopted;

IT IS FURTHER ORDERED, that Plaintiff's Complaint is DISMISSED

**WITHOUT PREJUDICE** against Defendants Martin Bay, C. Kobel, L. Lacey, and T.

Branderver, only.

S/ Linda V. Parker LINDA V. PARKER

U.S. DISTRICT JUDGE

Dated: September 9, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, September 9, 2014, by electronic and/or U.S. First Class

mail.

S/ Richard Loury

Case Manager

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