

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

D. RODNEY ROGERS,

Plaintiff,

v.

MATTHEW RYAN, SGT. SABBI,  
SERINA KELLEY, JEFFREY MORIN,  
MICHAEL CONNELLY, JAMES CRAIG,  
CITY OF DETROIT MAYOR DAVE BING,  
and JOHN DOES 1-2,

Civil Case No. 16-12735  
Honorable Linda V. Parker

Defendants.

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**OPINION AND ORDER**

This is a civil rights action brought pursuant to 42 U.S.C. § 1983 on July 19, 2016, which arises from Plaintiff's arrest three years earlier. The Court has referred the matter to Magistrate Judge David R. Grand for all pretrial matters pursuant to 28 U.S.C. § 636(b). (ECF No. 9.) On August 23, 2018, Magistrate Judge Grand issued a report and recommendation ("R&R") recommending that the Court deny as moot Defendants' motion to dismiss for failure to comply with a court order. (ECF No. 114.) Magistrate Judge Grand reasons that Plaintiff has complied with the court order.

At the conclusion of the 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 Pg ID 913.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither Plaintiff nor Defendants filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand. The Court therefore adopts Magistrate Judge Grand’s August 23, 2018 R&R.

Accordingly,

**IT IS ORDERED** that Defendants’ motion to dismiss (ECF No. 102) is **DENIED AS MOOT**.

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

Dated: September 27, 2018

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 27, 2018, by electronic and/or U.S. First Class mail.

s/ R. Loury  
Case Manager