

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARNOLD KUERBITZ,

Plaintiff,

v.

ANDREW E. MEISNER, et al,

Defendants.

Case No. 16-12736  
Hon. Terrence G. Berg  
Hon. Elizabeth A. Stafford

**ORDER ACCEPTING AND ADOPTING REPORT AND  
RECOMMENDATION (DKT. 25), GRANTING IN PART AND DENYING IN  
PART DEFENDANTS' MOTION TO DISMISS (DKT. 12), DENYING  
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION (DKT. 3), AND  
DENYING PLAINTIFF'S COMBINED MOTION FOR OBJECTIONS AND TO  
STRIKE DEFENDANTS' MOTION TO DISMISS (DKT. 17)**

This matter is before the Court on Magistrate Judge Elizabeth A. Stafford's February 1, 2017 report and recommendation (Dkt. 25), recommending that Defendants' motion to dismiss (Dkt. 12) be granted in part and denied in part, and that Plaintiff's motion for preliminary injunction (Dkt. 3) and combined motion for objections and to strike Defendant's motion to dismiss (Dkt. 17) be denied.

The Court has carefully reviewed the Magistrate Judge's report and recommendation, and finds it well reasoned and supported by the relevant law. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). If a party files written objections, the district court will make a "*de novo* determination of those portions of the report . . . to which objection is made."

*Id.* As of this date, no party filed any objections to the report and recommendation, and the time to do so has now expired, meaning the district court is not obligated to review the record independently. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will therefore accept the Magistrate Judge's report and recommendation of February 1, 2017, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Stafford's Report and Recommendation of February 1, 2017 (Dkt. 25) is **ACCEPTED** and **ADOPTED**. Defendant's motion to dismiss (Dkt. 12) is **GRANTED IN PART AND DENIED IN PART**. Plaintiff's claims that his First and Fourteenth Amendment rights were violated when he was prevented from entering the public foreclosure auction remain in the case, his other claims are **DISMISSED**. And Plaintiff's motions (Dkts. 3 and 17) are **DENIED**.

**SO ORDERED.**

Dated: February 27, 2017

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

#### **Certificate of Service**

I hereby certify that this Order was electronically submitted on February 27, 2017, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb  
Case Manager