

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS JACKSON,

Plaintiff,

v.

Case No. 16-12917

J. KLINE, *et al.*,

HON. TERRENCE G. BERG

HON. ELIZABETH A. STAFFORD

Defendant.

**ORDER ACCEPTING AND ADOPTING REPORT
AND RECOMMENDATION (DKT. 20) AND DENYING
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT (DKT. 16)**

This matter is before the Court on Magistrate Judge Elizabeth A. Stafford's November 23, 2016 report and recommendation (Dkt. 20), recommending that Plaintiff's motion for default judgment (Dkt. 16) be denied.

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). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Plaintiff filed a timely objection (Dkt. 25) to the report and recommendation.

The Court has carefully reviewed the Magistrate Judge's report and recommendation and Plaintiff's objection thereto. The Court finds that the report and recommendation is well-reasoned and supported by the relevant law. Plaintiff argues in his objections that the Court "ordered" Defendants to respond to Plaintiff's Complaint by October 21, 2016. This date appears on the waiver of

service forms executed by Defendants, which are standard forms used in every civil case (Dkts. 9, 10). However, as noted by Magistrate Judge Stafford, 42 U.S.C. § 1997e(g)(1) permits a defendant to waive the right to reply to a § 1983 prisoner complaint. Furthermore, Magistrate Judge Stafford ordered Defendants to respond to the Complaint by January 4, 2017 (Dkt. 21). Thus, Defendants have until that date to timely respond to Plaintiff's Complaint. The Court will, therefore, accept the Magistrate Judge's report and recommendation of November 21, 2016, as this Court's findings of fact and conclusions of law. Plaintiff's objection is not well-taken, and is overruled.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Stafford's report and recommendation of November 23, 2016 (Dkt. 20) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Plaintiff's motion for default judgment (Dkt. 16) is **DENIED**.

SO ORDERED.

Dated: December 29, 2016

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

Certificate of Service

I hereby certify that this Order was electronically submitted on December 29, 2016, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager