

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

POWER HOUSE TEMPLE, *et al.*,

Plaintiffs,

Case No. 17-cv-12019

Hon. Matthew F. Leitman

v.

CITY OF HIGHLAND PARK, *et al.*,

Defendants.

**ORDER (1) OVERRULING PLAINTIFF'S OBJECTIONS TO THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (ECF #21), (2)
ADOPTING THE MAGISTRATE JUDGE'S RECOMMENDED DISPOSITION,
(3) DISMISSING PLAINTIFFS POWER HOUSE TEMPLE AND JERRY R.
MASSEY FROM THE ACTION WITHOUT PREJUDICE, (4) GRANTING
DEFENDANT WAYNE COUNTY TREASURER'S MOTION TO DISMISS (ECF
#13), AND (5) DISMISSING THIS ACTION**

This action arises from tax foreclosure proceedings against real property located in Highland Park, Michigan. Plaintiffs Power House Temple, Jerry R. Massey, and Roderick Edwards complain that Defendants City of Highland Park, Wayne County Treasurer, and Mortgage Electronic Registration Systems colluded to foreclose on the property without fully complying with the statutory requirements and improperly recorded the foreclosure. (*See* Complaint, ECF #1.)

The Wayne County Treasurer filed a motion to dismiss the Complaint on July 26, 2017. (*See* ECF #13.) The assigned Magistrate Judge issued a Report and Recommendation in which she recommends that the Court dismiss this action (the "R&R"). (*See* ECF #20.) The Magistrate Judge first concluded that the Court should dismiss any

claims by Plaintiffs Power House Temple and Jerry R. Massey because they are not properly before the Court. (*See* R&R at 4-6, ECF #20 at Pg. ID 121-23.) The Magistrate Judge noted that (1) Plaintiff Edwards is the only plaintiff who appeared in the action and signed the Complaint and (2) Edwards, a non-lawyer, may not represent the interests of Power House Temple or Massey. (*See id.*) The Magistrate Judge further determined that any claims by Edwards are barred by the *Rooker-Feldman* doctrine and/or by res judicata. (*See id.* at 6-9, Pg. ID 123-26.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of her recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.* at 9-10, Pg. ID 126-27.)

On November 8, 2017, Plaintiff Massey (but not either one of the other Plaintiffs) filed timely objections to the R&R (the “Objections”). (*See* ECF #21.) Massey makes three objections. None of the objections warrant rejection of the Magistrate Judge’s proposed disposition.

Massey first contends that “Defendants [sic] motion to dismiss on grounds that Plaintiff failed to state a claim in which relief can be granted should be denied in its entirety” because Power House Temple had not received any notice regarding tax assessments. (*See* Objections at 2-3, ECF #21 at Pg. ID 129-30). This objection does not address the basis of the Magistrate’s Judge’s analysis or conclusion.

Massey next argues that the Complaint meets the pleading requirements of Rule 8(a)(2) because “the Plaintiffs set forth specific factual allegations” and “plead the elements of the case.” (*Id.* at 4, Pg. ID 131). This objection fails because it (1) is simply a

conclusory assertion that the Complaint is sufficient without any supporting analysis and (2) is not sufficiently specific. *See Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) (“[A] general objection to a magistrate's report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to discern those issues that are dispositive and contentious.”). Just as importantly, this objection does not address the basis of the Magistrate Judge’s recommendation.

Finally, Massey contends that “[t]he [R&R] erroneously states that Plaintiff’s RESPA and [sic] claims are time-barred.” (Objections at 4, ECF #21 at Pg. ID 131.) But the R&R did not recommend dismissal on the ground that the claims are time-barred. Thus, this objection fails.

Accordingly, **IT IS HEREBY ORDERED** that (1) the Objections (ECF #21) are **OVERRULED**; (2) the Magistrate Judge’s recommended disposition in the R&R is **ADOPTED**; (3) Plaintiffs Power House Temple and Jerry R. Massey are **DISMISSED** from this action without prejudice; (4) the Wayne County Treasurer’s Motion to Dismiss (ECF #13) is **GRANTED**; and (5) this action is **DISMISSED**.

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

Dated: November 20, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 20, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764