

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MILTON BAYTOPS,

Plaintiff,

Case No. 20-cv-11630

Hon. Matthew F. Leitman

v.

STEVE SLOMINSKI, *et al.*,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 49), (2) GRANTING DEFENDANT
SUSZEK'S MOTION TO DISMISS (ECF No. 37), AND (3) GRANTING
DEFENDANT SLOMINSKI'S MOTION FOR
SUMMARY JUDGMENT (ECF No. 39)**

Plaintiff Milton Baytops is a state prisoner in the custody of the Michigan Department of Corrections. On June 8, 2020, Baytops filed this action against several Defendants. (*See* Compl., ECF No. 1.) Baytops alleges, among other things, that his constitutional rights were violated during a police raid at his home in 2019. (*See id.*) The only claim that remains live in this case is for excessive force against Defendants Lincoln Suszek,¹ Steve Slominski, and certain members of the Michigan State Police Emergency Support Team.

¹ Defendant Suszek is identified on the docket as "Lincoln Suszok."

On May 5, 2021, Defendant Suszek filed a motion to dismiss and/or for summary judgment. (*See* Suszek Mot., ECF No. 37.) On May 14, 2021, Defendant Slominski also filed a motion for summary judgment. (*See* Slominski Mot., ECF No. 39.) Both motions were referred to the assigned Magistrate Judge. (*See* Notice of Referral, ECF No. 22.)

On December 14, 2021, the Magistrate Judge issued a Report and Recommendation in which he recommended that the Court grant both motions and dismiss Suszek and Slominski from this action (the “R&R”). (*See* R&R, ECF No. 49.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.551-552.)

Baytops has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Baytops has not filed any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommendation to grant (1) Defendant Suszek’s motion to dismiss and/or for summary judgment (ECF Nos. 37)

and (2) Defendant Slominski's motion for summary judgment (ECF No. 39) is **ADOPTED**. Those motions are **GRANTED** and Defendants Suszek and Slominski are **DISMISSED** from this action. The only remaining claim in this case is Baytops' excessive force claim against the members of the Michigan State Police Emergency Support Team identified in the R&R.

IT IS SO ORDERED.

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

Dated: February 8, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 8, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126