

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MANETIRONY CLERVRAIN et
al.,

Plaintiffs,

v.

GARY PETERS et al.,

Defendants.

Case No. 22-10743

Honorable Shalina D. Kumar

Magistrate Judge Anthony P. Patti

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 11)
AND DISMISSING PLAINTIFFS' COMPLAINT (ECF NO. 1)**

Plaintiff Manetirony Clervrain filed this *pro se* complaint alleging various constitutional violations against defendants. ECF No. 1. This case was referred to the assigned magistrate judge for all pretrial purposes and specifically for screening to determine if the complaint should be summarily dismissed under 28 U.S.C. § 1915(e)(2)(B). ECF No. 10.

On October 19, 2022, the assigned magistrate judge issued a report and recommendation (R&R). ECF No. 11. The R&R recommends that the Court summarily dismiss plaintiffs' complaint for failure to state a claim upon which relief may be granted under Federal Rule of Civil Procedure

12(b)(6) and 28 U.S.C. § 1915(e)(2)(B)(ii), or as frivolous under Rule 12(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(i). *Id.*

Parties must file objections within fourteen days of when the R&R is filed. See Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C). The magistrate judge's R&R contained the notice that objections must be filed within fourteen days as required by statute. ECF No. 11, PageID.897; 28 U.S.C. § 636(b)(1)(C). Plaintiff filed a motion for reconsideration, which the Court shall construe as objections, but the filing, on November 16, 2022, was untimely. ECF No. 12; Fed. R. Civ. P. 6(a)(1); Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1)(C). Because the filing was untimely, the Court will have the Clerk of the Court strike the motion for reconsideration (ECF No. 12) from the docket and consider no objections to have been filed.

Because no objections were filed, de novo review of the R&R's conclusions is not required. The Court has reviewed the record and the R&R is hereby **ADOPTED** and entered as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that plaintiffs' complaint (ECF No. 1) is **DISMISSED** and plaintiffs' motions (ECF Nos. 2, 3, 4, 5, 6) are terminated as moot.

Dated: November 17, 2022

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge