

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Michael Abram,

Plaintiff,

Case No. 14-cv-11431

Hon. Judith E. Levy

v.

Mag. Judge David R. Grand

Corizon Health, Inc., *et al.*,

Defendants.

_____ /

**OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION TO DISMISS FOR WANT OF
PROSECUTION [59]**

Plaintiff Michael Abram, proceeding *in forma pauperis*, filed a § 1983 complaint against several defendants on April 3, 2014. (*See* Dkt. 1.) The Court directed the U.S. Marshal Service to serve a copy of the complaint to each defendant at the address provided by plaintiff. (*See* Dkt. 5.) On September 11, 2015, the Court issued an order requiring plaintiff to provide the full name and address of the only two defendants left in this case—defendant “Commins” and defendant “Jan Doe”—so that summonses could be issued and service effectuated. (*See* Dkt. 57.).

The Court's order was returned undeliverable, (see Dkt. 58), and defendants Commins and Doe remain unserved.

On October 9, 2015, the Magistrate Judge filed a Report and Recommendation, recommending that the case be dismissed under Fed. R. Civ. P. 41(b) for failure to prosecute. (See Dkt. 59.) Specifically, the Magistrate Judge notes that mail sent to plaintiff has been returned undeliverable because plaintiff apparently failed to notify the Court of a change in address. (See *id.* at 2-3.) Plaintiff was informed of his obligation to do so at the time the case was filed. (See *id.*) Indeed, plaintiff changed his address once before, and the Court, on its own initiative, obtained plaintiff's address and was able to resume communication. (See *id.* at 3; Dkt. 33.) But the Court has once again lost contact with plaintiff. (See Dkt. 59 at 3.) Relatedly, plaintiff has not filed any documents since October 2014. (See *id.*)

No party filed objections to the Report and Recommendation, and the time for doing so has expired. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). The failure to object to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). The

failure to object also relieves this Court from its duty to review this matter independently. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nonetheless thoroughly reviewed the Report and Recommendation and agrees with the Magistrate Judge.

Accordingly,

The Magistrate Judge's Report and Recommendation is adopted. Plaintiff's claims against defendants Commins and Doe are dismissed without prejudice under Rule 41(b) for failure to prosecute. There are no remaining defendants, and thus the case is dismissed.

Dated: December 16, 2015
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 16, 2015.

s/Felicia M. Moses
FELICIA M. MOSES
Case Manager