

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Earl Arnold,

Plaintiff,

Case No. 16-cv-13403

v.

Judith E. Levy

United States District Judge

Hutchinson, Dr., and R. Harbaugh,  
RN,

Mag. Judge Mona K. Majzoub

Defendants.

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
[24] DENYING PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT [12] GRANTING DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT [14], AND DENY DEFENDANT'S  
MOTION TO DISMISS [25] AS MOOT**

Before the Court is Magistrate Judge Majzoub's Report and Recommendation (Dkt. 24) recommending the Court deny plaintiff's motion for summary judgment (Dkt. 12) and grant defendant R. Harbaugh's motion for summary judgment. (Dkt. 14.) The parties were required to file specific written objections within fourteen days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR 72.1(d). No objections were filed. The parties, by failing to object to the Report and

Recommendation, have waived any further right of appeal. *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

The Court has reviewed this case in its entirety, and finds that the Magistrate Judge's Report and Recommendation is well founded. Accordingly, plaintiff's motion for summary judgment (Dkt. 12) is DENIED, and defendant's motion for summary judgment (Dkt. 14) is GRANTED. Because the relief defendant Hutchinson seeks in his recently-filed (and untimely) motion to dismiss is already granted by adopting the Report and Recommendation, the motion (Dkt. 25) is DENIED AS MOOT. The case is DISMISSED.

IT IS SO ORDERED.

Dated: June 9, 2017  
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 June 9, 2017.

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