

**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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**AMENDED ORDER ADOPTING THE REPORT AND  
RECOMMENDATION [24] DENYING PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT [12] GRANTING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT [14], AND REFERRING  
CASE BACK TO MAGISTRATE JUDGE FOR FURTHER  
PRETRIAL PROCEEDINGS**

Before the Court is the Magistrate Judge's Report and Recommendation (Dkt. 24) recommending the Court deny plaintiff's motion for summary judgment (Dkt. 12) and grant defendant 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.

The judgment (Dkt. 27) is VACATED and the case reopened. The case is remanded to the Magistrate Judge for all further pretrial proceedings.

IT IS SO ORDERED.

Dated: July 26, 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 July 26, 2017.

s/Shawna Burns  
Shawna Burns  
Case Manager