

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID G. MORTON,

Plaintiff,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

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File No. 1:12-cv-511

HON. ROBERT HOLMES BELL

**MEMORANDUM OPINION AND ORDER**

This is a civil action brought by a mortgagor against a mortgagee. On October 26, 2012, Defendants filed a motion for summary judgment (Dkt. No. 26). Plaintiff filed a response (Dkt. No. 37), to which Defendants replied (Dkt. No. 43). The matter was referred to Magistrate Judge Scoville, who issued a Report and Recommendation (R & R) on November 1, 2013, recommending that this Court grant Defendants' motions. The matter is presently before the Court on Plaintiff's November 21, 2013, objections to the Report and Recommendation, to which Defendants have filed a response.

Objections to a Report and Recommendation must be filed within fourteen days of service of the R & R. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). Failure to object within the specified time waives a litigant's right to further review. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1983). Because Plaintiff failed to object within the specified time period, he has waived his right to further review.

Even if Plaintiff's objections were timely, his arguments lack merit. The Court performs *de novo* consideration of those portions of the Report and Recommendation to which objections have

been made in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(3). “[A] general objection to a magistrate’s report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). The Court may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. *Id.*

Although Plaintiff goes beyond a general objection, the objections are not clear enough to enable the Court to discern the issues Plaintiff seeks to raise. Plaintiff merely reiterates many of the spurious arguments he raised before Magistrate Judge Scoville in opposition to Defendants’ motion for summary judgment. This Court is no more convinced of the merit of Plaintiff’s arguments than was Magistrate Judge Scoville. Review of the R & R reveals the Magistrate Judge’s reasoning and legal conclusions to be sound.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff’s Objections to the R & R (Dkt. No. 64) are **OVERRULED**.

**IT IS FURTHER ORDERED** that Magistrate Judge Scoville’s November 1, 2013, Report and Recommendation (Dkt. No. 63) is **APPROVED** and **ADOPTED** as the Opinion of this Court.

**IT IS FURTHER ORDERED** that Defendants’ motion for summary judgment (Dkt. No. 26) is **GRANTED**.

Dated: December 10, 2013

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE