Clayton v. Good Doc. 17

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

GLORIA ANN CLAYTON,		
Plaintiff,		
		Case No. 1:14-CV-794
V.		
		HON. ROBERT HOLMES BELL
ANNE E. GOOD,		
Defendant.		
	/	

ORDER APPROVING AND ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On February 20, 2015, United States Magistrate Judge Phillip J. Green issued a report and recommendation ("R&R") recommending that Plaintiff's pro se complaint be dismissed for failure to state a claim. (ECF No. 12.) Plaintiff Gloria Ann Clayton filed objections to the R&R on April 13, 2015. (ECF No. 16.)

This Court is required to make a de novo determination of those portions of the R&R to which specific objection has been made, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). "[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).

Plaintiff objects to the R&R because she did not consent to having this case heard by

a magistrate judge. Plaintiff's objection lacks merit. This Court referred this case to the

magistrate judge for all pretrial purposes and specifically authorized the magistrate judge to

file a report and recommendation on all dispositive matters. (ECF No. 5.) Plaintiff's consent

to have this matter heard by the magistrate judge was not required because the magistrate

judge was not authorized to enter a final judgment. See 28 U.S.C. § 636(c) (authorizing

magistrate judges to enter final judgments on consent of the parties). Consistent with the

order of reference and his authority under 28 U.S.C. § 636(b)(1)(B), the magistrate judge

filed a report and recommendation on a dispositive matter.

This Court has reviewed Plaintiff's complaint, the R&R, and Plaintiff's objections

de novo and concludes that the magistrate judge correctly determined that this case should

be dismissed for failure to state a claim on which relief may be granted. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's objections to the R&R (ECF No. 16) are

OVERRULED.

IT IS FURTHER ORDERED that the February 20, 2015, R&R (ECF No. 12) is

APPROVED and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's complaint is DISMISSED WITH

PREJUDICE for failure to state a claim on which relief may be granted.

Dated: October 15, 2015

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

UNITED STATES DISTRICT JUDGE

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