

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIELLE S. SCOTT,

Plaintiff,

v.

DANIEL H. HEYNS, *et al.*,

Defendants.

CASE NO. 1:14-cv-1277

HON. ROBERT J. JONKER

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Kent's Report and Recommendation in this matter (ECF No. 27) and Plaintiff Scott's Motion for Extension of Time to File Response/Reply (ECF No. 28). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981).

The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the

Report and Recommendation itself; and Plaintiff's Motion. After its review, the Court finds that Magistrate Judge Kent's Report and Recommendation is factually sound and legally correct.

The Magistrate Judge recommends dismissing Plaintiff's complaint on the basis that defendants are entitled to qualified immunity. In his Motion for Extension of Time to File Response/Reply, Plaintiff requests an additional sixty days to respond to the Report and Recommendation (ECF No. 28). The Report and Recommendation carefully, thoroughly, and accurately addresses a set of narrow legal issues on qualified immunity. No additional time is reasonably needed to identify any objections to the Magistrate Judge's legal analysis. The Court finds that no basis for a legal objection is apparent. The Court agrees with the Magistrate Judge's conclusion that Plaintiff's claims should be dismissed, for the very reasons the Report and Recommendation delineates.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 27) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants' motion to dismiss (ECF No. 23) is **GRANTED** and this case is **DISMISSED**.

Dated: September 21, 2016

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE