

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OWEN W. BARNABY,

Plaintiff,

v.

BRET WITKOWSKI, et al.,

Defendants.

Case No. 1:14-cv-1279

HON. JANET T. NEFF

ORDER

This is a civil action involving a *pro se* litigant. Plaintiff filed a Motion for Default for Failure to Comply with FED. R. CIV. P. 12 (Dkt. 4). The motion was referred to the Magistrate Judge, who issued a Report and Recommendation on January 26, 2015, recommending that the motion be denied without prejudice as premature. The Report and Recommendation was duly served on Plaintiff. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (Dkt 6) is APPROVED and ADOPTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Default for Failure to Comply with FED. R. CIV. P. 12 (Dkt. 4) is DENIED WITHOUT PREJUDICE as premature.

Dated: February 13, 2015

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge