

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RYAN DIAMOND, et al.,

Plaintiffs,

v.

CITY OF KALAMAZOO, et al.,

Defendants.

Case No. 1:15-cv-696

HON. JANET T. NEFF

ORDER

Plaintiffs Ryan Diamond, Kathy Lang, Branden Diamond, Brieanca Diamond, and Craig Lang filed this matter against the City of Kalamazoo, Michigan, and eleven members of its Department of Public Safety (“Defendants”) after police officers responded to their complaint of an assault by a neighbor, and Craig Lang, Brieanca Diamond, Ryan Diamond, and Branden Diamond were arrested.¹ The remaining Defendants filed a Motion for Summary Judgment (ECF No. 83). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R & R), recommending that Defendants’ motion be granted in part and denied in part; specifically, that save for the false arrest and false imprisonment claims asserted by Plaintiffs Ryan Diamond and Branden Diamond against Defendant Elzinga, Defendants’ motion for summary judgment be granted or Plaintiffs’ claims be dismissed as determined in the Report and Recommendation.

¹ Plaintiffs subsequently agreed to dismiss Plaintiff Brieanca Diamond’s claims and to dismiss Defendants Kelly Pittelkow, Gerald Bentley, John Resseguie, Anthony Morgan, John Hurst, and Paula Hensley (real name Paula Hensel), and the City of Kalamazoo.

The matter is before the Court on an Objection to the Report and Recommendation by Plaintiff Kathy Lang, who is proceeding *pro se*, separately from the remaining Plaintiffs, who are represented by counsel (ECF No. 94). In accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objection has been made. The Court denies the Objection.

Plaintiff Lang has filed a single-paragraph objection to the Report and Recommendation, merely generally objecting to the recommendation of dismissal of certain claims and referencing evidence as to other claims:

I object to [the Magistrate Judge's] recommendation for dismissal on false arrest and also on illegal search and seizure and on c. that I waived my rights and on IV. On malicious prosecution and on V. failure to train and all I am using as evidence is Officer Denharder's mvr's, John Skipper's deposition, Don Hurst deposition, CD from dispatch from KDPS, and my phone bill from Boost will prove that I never made the 911 calls and that I am innocent that I should have never been arrested.

(ECF No. 94 at PageID.976).

This general objection fails to provide any basis for review or to demonstrate any factual or legal error in the Magistrate Judge's analysis or conclusion. *See* W.D. Mich. LCivR 72.3(b). ("objections [] shall specifically identify the portions of the proposed findings, recommendations or report to which objections are made and the basis for such objections.") Plaintiff's Objection is therefore denied.

Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court as to Plaintiff Kathy Lang. Therefore:

IT IS HEREBY ORDERED that the Objection of Plaintiff Kathy Lang (ECF No. 94) is DENIED, and the Report and Recommendation of the Magistrate Judge (ECF No. 92) is APPROVED and ADOPTED as the Opinion of the Court as to Plaintiff Kathy Lang.

