

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES HARKEN,
Plaintiff,

Case No.: 1:16-cv-1018

v.

HONORABLE PAUL L. MALONEY

CITY OF LANSING,
Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Phillip J. Green in this action (ECF No. 45). The Report and Recommendation was duly served on the parties. No objections have been filed.

The Magistrate Judge recommended dismissal under Fed. R. Civ. P. 12(b)(6). However, since the pleadings were closed, *see* Fed. R. Civ. P. 7(a), 12(c), sua sponte dismissal at this stage is proper under Fed. R. Civ. P. 12(c). *See, e.g., Flora v. Home Fed. Sav. and Loan Ass'n*, 685 F.2d 209, 211-12 (“[A]fter the pleadings are closed . . . [a] sua sponte dismissal for failure to state a claim [under Fed. R. Civ. P. 12(c)] is justified if there is a sufficient basis for the court’s action apparent from the pleadings.”).

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court. **THEREFORE, IT IS ORDERED** that pursuant to Fed. R. Civ. P. 12(c), Plaintiff’s complaint is DISMISSED for failure to state a claim upon which relief can be granted. This action is terminated.

Dated: March 24, 2017

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge