UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALONZO SHAFFER,

Plaintiff,

v.

UNKNOWN KINDIG, et al.,

Defendants.
_____/

CASE NO. 1:22-cv-564

HON. ROBERT J. JONKER

ORDER APPROVING AND ADOPTING REPORT AND RECOMMENDATION

The matter before the Court is Magistrate Judge Green's Report and Recommendation (ECF No. 57) on Plaintiff Alonzo Shaffer's motion for summary judgment. (ECF No. 53). The Court has reviewed the Magistrate Judge's Report and Recommendation (ECF No. 57) and Plaintiff's Objections. (ECF No. 58). 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 Defendants' objections. The Court finds the Magistrate Judge's Report and Recommendation, which recommends denying Plaintiff's Motion for Summary Judgment (ECF No. 53), factually sound and legally correct.

ANALYSIS

As set out in the Report and Recommendation, Plaintiff sued Berrien County, St. Joseph County, the St. Joseph County Sheriff Department, and two correctional officers, Unknown Kindig and Unknown Mahoney. (ECF No. 1). Plaintiff subsequently amended his Complaint, foregoing his claims against Berrien County. (ECF No. 5). The Court dismissed all of Plaintiff's claims except for his use of excessive force claims against Defendants Kindig and Mahoney on August 19, 2022. (ECF Nos. 8-9). Plaintiff now moves for summary judgment, which the Magistrate recommends the Court deny.

Plaintiff has filed a cursory objection comprised of a single sentence, asserting that he objects to "any all part Of Report & Recommendation that is not In I Plaintiff Shaffer Favor [sic]." (ECF No. 58, PageID.188). This objection does not meaningfully respond to the Magistrate Judge's reasoning, nor does it raise any specific objection to the Report and Recommendation. An objection which is not "clear enough to enable the district court to discern those issue that are dispositive and contentious," is insufficient to permit review of the magistrate judge's report. *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). Thus, a "general objection to a magistrate's report, which fails to specific the issues of contention, does not satisfy the requirement that an objection be filed" to merit de novo review. *Id.* Plaintiff's Objection clearly fails to meet this standard.

To the extent that the Court needs to reach Plaintiff's general objection that the Magistrate Judge reached the incorrect conclusion in the Report and Recommendation, the Court disagrees with Plaintiff. As the Magistrate Judge noted, Plaintiff's Motion for Summary Judgment is a single page – in fact, it is appropriately construed as a single sentence. (ECF No. 53). Plaintiff asserts that he has presented "multiple exhibits of factual evidence to support" his motion, but fails to identify that evidence. Plaintiff attaches no exhibits to his motion, nor does he endeavor to make any substantive arguments. The Magistrate Judge is correct that Plaintiff has failed to establish that he is entitled to the relief he seeks.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 57) is **APPROVED AND ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 53) is **DENIED**.

IT IS SO ORDERED.

DATED: January 18, 2023

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