

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOEL LOZADA, #369951,)	
Plaintiff,)	
)	No. 2:23-cv-11
-v-)	
)	Honorable Paul L. Maloney
ERIC CHANG,)	
Defendant.)	
_____)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Joel Lozada, a prisoner in the custody of the Michigan Department of Corrections, alleges an Eighth Amendment violation against Defendant Eric Chang. Defendant filed a motion for summary judgment (ECF No. 21). The Magistrate Judge reviewed the motion and issued a report recommending the Court grant Defendant’s motion (ECF No. 25). Plaintiff filed objections (ECF No. 30). The Court will adopt the report and recommendation and will grant Defendant’s motion for summary judgment.

After being served with a report and recommendation (R&R) issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A district court judge reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Only those objections that are specific are entitled to a de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam).

The Magistrate Judge provided a succinct summary of the facts giving rise to Plaintiff's claim, including Plaintiff's medical records. The Magistrate Judge then summarized the legal elements of an Eighth Amendment cause of action. The Magistrate Judge explained why the facts did not support either the objective or the subjective component of an Eighth Amendment claim.

The Court finds that Plaintiff's objections do not specifically address any particular finding of fact or conclusion of law. Rather than addressing specific findings or recommendations, Plaintiff summarizes the factual bases for his claim. The lack of specificity constitutes a waiver; the Court need not conduct a de novo review.

Accordingly, the Court **ADOPTS** as its opinion the Report and Recommendation (ECF No. 25). The Court **GRANTS** Defendant's motion for summary judgment (ECF No. 21). **IT IS SO ORDERED.**

Date: May 9, 2024

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