IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

Marcus Murrell,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**No. 13-2619**
	)	
Cracker Barrel,	)	
	)	
	)	
Defendants.	)	

ORDER

Before the Court is the Magistrate Judge's September 11, 2013 Report and Recommendation for Sua Sponte Dismissal of Claim of Color Discrimination and for Issuance of Summons on Remaining Claim (the "Report"). (Report, ECF No. 4.) Plaintiff Marcus Murrell ("Murrell") has not objected to the Magistrate Judge's Report and the time for doing so has passed. See 28 U.S.C. § 636(b)(1)(C) ("Within fourteen days after being served with a copy [of the Magistrate Judge's Report], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court."). The Magistrate Judge recommends that the Court dismiss Murrell's claim for color discrimination. (Report at 1.) The Magistrate Judge recommends that the Clerk of Court be directed to issue a summons to Defendant Cracker Barrel ("Cracker Barrel") on

Murrell's claim for race discrimination. (Id. at 1-2.) For the following reasons, the Court ADOPTS the Report of the Magistrate Judge. The Magistrate Judge's sua sponte Motion for Dismissal of Murrell's claim for color discrimination is GRANTED. The Court directs the Clerk of Court to issue a summons to Cracker Barrel for Murrell's claim of race discrimination.

Congress intended 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). "A district judge must determine de novo any part of a magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). "'Only those specific objections to the magistrate's report . . . will be preserved for [] review.'" Carson v. Hudson, 421 F. App'x 560, 563 (6th Cir. 2011) (quoting Souter v. Jones, 395 F.3d 577, 585 (6th Cir. 2005)); see also Smith v. Detroit Fed'n of Teachers, Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987).

After reviewing the evidence, the court is free to accept, reject, or modify the proposed findings or recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1)(C). The district court is not required to review—under a de novo or any other

standard—those aspects of the report and recommendation to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. Id. at 151.

Murrell has not objected to the Magistrate Judge's Report. The deadline for objecting, which was explicitly referenced in the Report, has passed. Because Murrell has failed to object, Arn counsels the Court to adopt the Report in its entirety. Id. Adopting the Report is consistent with the policies underlying § 636, specifically judicial economy and protecting against the "functions of the district court [being] effectively duplicated as both the magistrate and the district court perform identical tasks." Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991).

The Magistrate Judge's Report is ADOPTED. The Magistrate Judge's sua sponte Motion for Dismissal of Murrell's color discrimination claim is GRANTED. Murrell's color discrimination claim is DISMISSED. The Court directs the Clerk of Court to issue a summons to Cracker Barrel on Murrell's remaining claim of race discrimination.

So ordered this 2nd day of December, 2013.

s/Samuel H. Mays, Jr.

SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE