

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Edward Albert Stenberg v. Suzanne Groff et al.

Stenberg · No. 24-13112 · Decided February 18, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan adopts a magistrate judge’s report and recommendation after the parties failed to file timely objections. The court partially grants certain defendants’ motion to dismiss, denies other pending motions without prejudice, and transfers the case to the Western District of Michigan.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Laurie J. Michelson
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	February 18, 2026
DOCKET	24-13112
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation addressing three pending motions after no party filed timely objections.
STANDARD OF REVIEW	Because no timely specific objections were filed, the court treated review of the magistrate judge's findings as waived under the procedural-default rule governing objections to a report and recommendation.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status not stated.

TOPICS

- motions to dismiss
- waiver
- prisoners rights
- civil rights
- civil procedure

PRACTICE AREAS

- Civil procedure
- Civil rights
- Prisoner civil-rights litigation

QUESTIONS PRESENTED

1. Whether the parties' failure to file timely objections to the magistrate judge's report and recommendation waived further district-court review.
2. Whether the court should adopt the report and recommendation, grant Defendants Blessman, McIntyre, Morrison, and Washington's motion to dismiss in part, deny the remaining motions without prejudice, and transfer the case to the Western District of Michigan.

HOLDINGS

1. A party's failure to file timely specific objections to a magistrate judge's report and recommendation constitutes procedural default and waives further review of the magistrate judge's findings by the district court.
2. The court accepted the report and recommendation in full, granted in part the motion to dismiss filed by Defendants Blessman, McIntyre, Morrison, and Washington, denied without prejudice the motions to dismiss filed by Defendants Coleman and Massery and Wellpath/Grand Prairie Health Care, and transferred the case to the Western District of Michigan.

KEY QUOTATIONS

"The Court finds that Stenberg's failure to timely object is a procedural default, waiving review of Judge Altman's findings by this Court." (ECF No. 96)

"The Court therefore finds that the parties have waived further review of Judge Altman's report and recommendation (ECF No. 96), and accepts its recommended disposition." (ECF No. 96)

FACTUAL BACKGROUND

Edward Albert Stenberg, proceeding pro se, alleged that twelve defendants, primarily medical personnel and other staff at the Thumb Correctional Facility in Lapeer, Michigan, violated the Eighth Amendment through deliberate indifference to his serious medical needs. The district court considered a report and recommendation concerning pending motions to dismiss and other motions, but Stenberg filed no timely objections.

PROCEDURAL HISTORY

Stenberg filed a pro se civil-rights action alleging that medical personnel and staff at the Thumb Correctional Facility were deliberately indifferent to his serious medical needs in violation of the Eighth Amendment. Magistrate Judge Altman issued a report and recommendation regarding three motions. The district court concluded that no timely objections had been filed, accepted the report and recommendation in full, granted one motion to dismiss in part, denied two motions without prejudice, and transferred the case to the Western District of Michigan.

DISPOSITION

other

REMAND INSTRUCTIONS

The case was transferred to the Western District of Michigan. The order does not provide additional substantive instructions to the transferee court.

CASES CITED

- United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981)
- Thomas v. Arn, 474 U.S. 140, 149, 149-52 (1985)
- Garrison v. Equifax Info. Servs., LLC, No. 10-13990, 2012 WL 1278044, at *8 (E.D. Mich. Apr. 16, 2012)

OPINION

Stenberg

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

EDWARD ALBERT STENBERG,

Plaintiff, Case No. 24-13112 Honorable Laurie J. Michelson v. Magistrate Judge Kimberly G. Altman SUZANNE GROFF et al., Defendants.

ORDER ACCEPTING REPORT AND RECOMMENDATION [96],

GRANTING DEFENDANTS' MOTION TO DISMISS IN PART [39], AND

TRANSFERRING CASE TO WESTERN DISTRICT OF MICHIGAN

Edward Albert Stenberg filed this pro se civil rights case in November 2024, alleging that twelve Defendants—primarily medical personnel and other staff at the Thumb Correctional Facility in Lapeer, Michigan—violated his Eighth Amendment rights by being deliberately indifferent to his serious medical needs. (ECF No. 1.) Presently before the Court is Magistrate Judge Altman's report and recommendation disposing of three pending motions (ECF Nos. 33, 39, and 57). For the reasons that follow, the Court adopts the report and recommendation in full. Thus, ECF Nos. 33 and 57 are denied without prejudice and ECF No. 39 is granted in part. I. At the conclusion of the January 15, 2026 report and recommendation, Magistrate Judge Kimberly Altman notified the parties that they were required to file any objections within fourteen days of service, as provided in Federal Rule of Civil Procedure 72(b)(2) and Eastern District of Michigan Local Rule 72.1(d), and that "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (ECF No. 96, PageID.2170–2171.) This was not the first time Stenberg was apprised of this process. Judge Altman previously issued a report and recommendation denying Stenberg's motion for a preliminary injunction and motion to compel (ECF No. 48), which Stenberg objected to (ECF No. 60), and the Court overruled. (ECF No. 78). Under Federal Rule of Civil Procedure 6(d), since Stenberg was served via mail, three days are added to the objection period. And the prison mailbox rule also applies, so Stenberg's objections would be considered filed when he delivered them to

prison authorities for mailing. In all, waiting the 17-day objection period and allowing some time for the Court to receive objections that Stenberg may have mailed, it has now been over 30 days since the report and recommendation was served on the parties. No objections have been filed. The Court finds that Stenberg's failure to timely object is a procedural default, waiving review of Judge Altman's findings by this Court. In *United States v. Walters*, the Sixth Circuit established a rule of procedural default, holding that "a party shall file objections with the district court or else waive right to appeal." 638 F.2d 947, 949– 50 (6th Cir. 1981). And in *Thomas v. Arn*, the Supreme Court explained that the Sixth Circuit's waiver-of-appellate-review rule rested on the assumption "that the failure to object may constitute a procedural default waiving review even at the district court level." 474 U.S. 140, 149 (1985); see also *Garrison v. Equifax Info. Servs., LLC*, No. 10-13990, 2012 WL 1278044, at *8 (E.D. Mich. Apr. 16, 2012) ("The Court is not obligated to review the portions of the report to which no objection was made." (citing *Thomas*, 474 U.S. at 149–52)). The Supreme Court further held that this rule violates neither the Federal Magistrates Act nor the Federal Constitution. The Court therefore finds that the parties have waived further review of Judge Altman's report and recommendation (ECF No. 96), and accepts its recommended disposition. It follows that Defendants Blessman, McIntyre, Morrison, and Washington's motion to dismiss is GRANTED IN PART and the case is TRANSFERRED to the Western District of Michigan. The remaining motions to dismiss by Defendants Coleman and Massery (ECF No. 33) and Wellpath/Grand Prairie Health Care (ECF No. 57) are DENIED WITHOUT PREJUDICE. SO ORDERED. Dated: February 18, 2026 s/Laurie J. Michelson

LAURIE J. MICHELSON

United States District Judge