

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Michael Robert Bye v. Justun Munn, et al.

Bye · No. 1:23-cv-1312 · Decided January 21, 2026

SUMMARY

The United States District Court for the Western District of Michigan adopted the Magistrate Judge’s Report and Recommendation without objection. The court dismissed Plaintiff’s claims against Dave Cunningham without prejudice for lack of subject matter jurisdiction, terminated Cunningham as a defendant, dismissed Plaintiff’s motions as moot, and certified that an appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Jane M. Beckering
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	January 21, 2026
DOCKET	1:23-cv-1312
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought an action under 42 U.S.C. § 1983. After the matter was referred to a magistrate judge, the magistrate judge recommended dismissal of the claims against the sole remaining defendant for lack of subject matter jurisdiction. The district court adopted the Report and Recommendation, dismissed the claims without prejudice, terminated the remaining defendant, and dismissed plaintiff's motions as moot.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's Report and Recommendation under 28 U.S.C. § 636(b)(1); no objections were filed.
PRECEDENTIAL VALUE	unpublished district-court opinion
PARTIES	Michael Robert Bye v. Justun Munn, et al.

TOPICS

subject matter jurisdiction

section 1983

appellate procedure

summary judgment

civil procedure

PRACTICE AREAS

civil rights

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation to dismiss the claims against the sole remaining defendant for lack of subject matter jurisdiction when no objections were filed.
2. Whether plaintiff's motions to dismiss his claims against the remaining defendant without prejudice should be dismissed as moot.
3. Whether the court should certify under 28 U.S.C. § 1915(a)(3) that an appeal would not be taken in good faith.

HOLDINGS

1. The district court approved and adopted the magistrate judge's Report and Recommendation as the Opinion of the Court.
2. Plaintiff's claims against Dave Cunningham were dismissed without prejudice for lack of subject matter jurisdiction.
3. Plaintiff's motions to dismiss without prejudice as to Cunningham were dismissed as moot after the underlying claims were dismissed.
4. The court certified that an appeal of the decision would not be taken in good faith because plaintiff failed to file objections.

FACTUAL BACKGROUND

Michael Robert Bye filed a pro se civil-rights action under 42 U.S.C. § 1983. At the time of this order, Dave Cunningham was the sole remaining defendant because Justun Munn had previously obtained summary judgment and been terminated from the case. The magistrate judge recommended dismissal of the claims against Cunningham for lack of subject matter jurisdiction, and no party objected.

PROCEDURAL HISTORY

The magistrate judge issued a Report and Recommendation on December 17, 2025, recommending dismissal of plaintiff's claims against Dave Cunningham for lack of subject matter jurisdiction. No objections were filed. The district court approved and adopted the Report and Recommendation as its opinion, dismissed the claims without prejudice, terminated Cunningham, and dismissed plaintiff's motions to dismiss as moot. The court had previously adopted an earlier Report and Recommendation granting summary judgment to defendant Justun Munn and terminating him from the case.

DISPOSITION

dismissed

CASES CITED

- McGore v. Wrigglesworth, 114 F.3d 601, 610-11 (6th Cir. 1997)
- Jones v. Bock, 549 U.S. 199, 206, 211-12 (2007)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION MICHAEL ROBERT BYE, Plaintiff, Case No. 1:23-cv-1312 v. HON. JANE M. BECKERING JUSTUN MUNN, et al., Defendants. _____/

OPINION AND ORDER This is a pro se action filed pursuant to 42 U.S.C. § 1983.¹ The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on December 17, 2025, recommending that this Court dismiss Plaintiff's claims against the sole remaining Defendant, Dave Cunningham, for lack of subject matter jurisdiction.

The Report and Recommendation was duly served on the parties. No objections have been filed. See 28 U.S.C. § 636(b)(1). Therefore, IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 66) is APPROVED and ADOPTED as the Opinion of the Court. IT IS FURTHER ORDERED that Plaintiff's claims against Defendant Cunningham are dismissed without prejudice for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that Defendant Cunningham is terminated from this case. ¹ The Court previously entered an Opinion and Order adopting a prior Report and Recommendation, granting summary judgment for Defendant Justun Munn, and terminating him from this case (see ECF No. 65). IT IS FURTHER ORDERED that Plaintiff's motions to dismiss without prejudice as to Defendant Cunningham (ECF Nos. 67 & 68) are dismissed as moot.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith because Plaintiff failed to file any objections. See McGore v. Wrigglesworth, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by Jones v. Bock, 549 U.S. 199, 206, 211-12 (2007). A Judgment will be entered consistent with this Order.

Dated: January 21, 2026 /s/ Jane M. Beckering JANE M. BECKERING United States District Judge