

**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.

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

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