

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Dewayne Gee v. Experian Inc.

Gee · No. 25-11550 · Decided January 21, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan accepted and adopted the magistrate judge’s report and recommendation. The court denied Dewayne Gee’s motion for summary judgment without prejudice as premature under Federal Rule of Civil Procedure 56(d), because discovery had not occurred and Experian showed by affidavit that it could not yet present facts essential to oppose the motion.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	F. Kay Behm
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	January 21, 2026
DOCKET	25-11550
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending denial without prejudice of Plaintiff's motion for summary judgment as premature.
STANDARD OF REVIEW	Because no timely objections were filed, the district court stated that failure to object released it from the duty to independently review the matter; the court nevertheless agreed with and adopted the magistrate judge's recommended disposition.
PRECEDENTIAL VALUE	unpublished
PARTIES	Dewayne Gee v. Experian Inc.

TOPICS

- summary judgment
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for summary judgment should be denied without prejudice as premature because discovery had not occurred and Defendant established under Federal Rule of Civil Procedure 56(d) that it could not yet present facts essential to oppose the motion.
2. What effect the parties' failure to timely object to the magistrate judge's report and recommendation had on the district court's review.

HOLDINGS

1. A motion for summary judgment filed before discovery may be denied without prejudice when the opposing party properly shows by affidavit that it cannot yet present facts essential to justify its opposition. The court denied Plaintiff's motion without prejudice.
2. The failure to timely object to a magistrate judge's report and recommendation releases the district court from its duty to independently review the matter, although the court may nevertheless review and agree with the recommendation.

KEY QUOTATIONS

"[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter."

FACTUAL BACKGROUND

Dewayne Gee filed a motion for summary judgment before discovery had occurred. Experian submitted an affidavit showing that it could not yet present facts essential to justify its opposition. The court therefore treated the motion as premature.

PROCEDURAL HISTORY

Plaintiff moved for summary judgment before discovery had occurred. The magistrate judge recommended denial without prejudice under Federal Rule of Civil Procedure 56(d), finding that Defendant had properly shown by affidavit that it could not yet present facts essential to oppose the motion. Neither party timely objected, and the district court accepted and adopted the report and recommendation.

DISPOSITION

other

CASES CITED

- Hall v. Rawal, 2012 WL 3639070 (E.D. Mich. Aug. 24, 2012)
- Thomas v. Arn, 474 U.S. 140, 149 (1985)

OPINION

Gee

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEWAYNE GEE, Case No. 25-11550 Plaintiff, F. Kay Behm v. United States District Judge
EXPERIAN INC., Kimberly G. Altman United States Magistrate Judge Defendant.

OPINION AND ORDER ACCEPTING AND ADOPTING
THE MAGISTRATE JUDGE'S DECEMBER 30, 2025,
REPORT AND RECOMMENDATION (ECF No. 34) AND
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
WITHOUT PREJUDICE (ECF No. 31)

Currently before the court is Magistrate Judge Altman's December 30, 2025 Report and Recommendation (ECF No. 34). Judge Altman recommends that Plaintiff's Motion for Summary Judgment (ECF No. 31) be denied without prejudice as premature, because Plaintiff filed his motion prior to discovery occurring and Defendant has properly shown by affidavit that they cannot yet present facts essential to justify their opposition to the motion. See Fed. R. Civ. P. 56(d). The court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed timely objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." Hall v. Rawal, 2012 WL 3639070 (E.D. Mich. Aug. 24, 2012) (citing Thomas v. Arn, 474 U.S. 140, 149 (1985)). The court nevertheless agrees with the Magistrate Judge's recommended disposition. The court ACCEPTS and ADOPTS the Magistrate Judge's Report and Recommendation (ECF No. 34) and DENIES the Motion for Summary Judgment (ECF No. 31) WITHOUT PREJUDICE. SO ORDERED. Date: January 21, 2026 s/F. Kay Behm F. Kay Behm United States District Judge