

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Javan Jerrelle Wilson, Sr. v. Nathaniel Smith, Brian Shipman,
Jerome Warfield, Sr., Crissa Blankenburg, and Timothy Flanagan

Wilson v. Smith · No. 23-11666 · Decided March 5, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan overruled the defendants’ objections to a magistrate judge’s report and recommendation and adopted the recommendation to grant summary judgment. The court held that the plaintiff’s objections were not legally cognizable and reiterated that the plaintiff’s sex-offender classification and related programming requirements could implicate a protected liberty interest, but concluded that he received sufficient procedural protections during his criminal preliminary examination. The complaint was dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	David M. Lawson
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	March 5, 2026
DOCKET	23-11666
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed defendants' objections to a magistrate judge's report and recommendation under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), adopted the recommendation, granted defendants' motion for summary judgment, and dismissed the civil rights complaint with prejudice.
STANDARD OF REVIEW	The court conducted de novo review of the portions of the report and recommendation to which timely, specific objections were made under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). It reviewed summary judgment under Rule 56, viewing evidence and reasonable inferences in favor of the nonmoving party and determining whether a genuine dispute of material fact existed.
PRECEDENTIAL VALUE	unpublished district court opinion; nonprecedential

TOPICS

procedural due process

prisoners rights

summary judgment

motions to dismiss

civil rights

PRACTICE AREAS

civil rights

constitutional law

prisoners rights

civil procedure

QUESTIONS PRESENTED

1. Whether defendants' objections to the magistrate judge's report and recommendation were legally cognizable when defendants did not challenge the recommended dismissal and repeated arguments previously considered and rejected by the district court.
2. Whether the record established that Wilson received constitutionally adequate procedural protections concerning the factual basis for his sex-offender designation, defeating his procedural due process claim.
3. Whether defendants were entitled to summary judgment on Wilson's claim that his sex-offender classification, altered housing, and required or effectively required programming implicated a protected liberty interest.

HOLDINGS

1. Objections that do not identify an outcome-determinative error, particularly where the objecting party agrees with the recommended disposition and merely argues that the magistrate judge reached the correct result for the wrong reason, are not proper grounds for rejecting the recommendation. Reasserting arguments previously presented and rejected also does not constitute a legally sufficient objection.
2. A plaintiff cannot prevail on a procedural due process claim based on a sex-offender designation when the undisputed record shows that he received adequate procedures at a criminal preliminary examination to challenge the factual premises underlying the designation.
3. The alleged sex-offender classification, altered housing, and effectively mandatory sex-offender programming were sufficient at the pleading and preliminary dispositive stages to implicate a free-standing due process liberty interest, but the claim failed because the record established adequate procedural protection.
4. Summary judgment was appropriate because the record, viewed under Rule 56, did not present a genuine dispute that could alter the conclusion that Wilson received adequate process.

KEY QUOTATIONS

“When a party files timely objections to a report and recommendation, the court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”” (Section I)

“The failure to file legally cognizable objections to a magistrate judge’s report and recommendation constitutes a waiver of any right to further judicial review.” (Section II)

“As the Court previously found, evidence that the plaintiff was subjected to the application of “sex offender” classification, when accompanied by significant consequences such as the requirement to participate in certain programming in order to secure release on parole, and without any formal procedural process for challenging the designation, is sufficient to make out a viable due process claim.” (Section II)

“Accordingly, it is ORDERED that the magistrate judge’s report and recommendation (ECF No. 137) is ADOPTED, the defendants’ objections (ECF No. 138) are OVERRULED, the defendants’ motion for summary judgment (ECF No. 126) is GRANTED, and the complaint is DISMISSED WITH PREJUDICE.” (Section III)

FACTUAL BACKGROUND

Wilson was designated by prison officials as having a history of sex offenses even though his conviction was not for a sex crime. His housing placement was altered, he was repeatedly evaluated under the corrections department's Sex Offender Risk Assessment, and after being denied parole he was recommended for Michigan Sexual Assault Prevention Program programming. The record raised a factual question about whether the programming recommendation operated as a de facto mandate because inmates who declined or failed to participate allegedly were not approved for parole. Wilson challenged the designation and requested a formal hearing but did not receive one; however, at his criminal preliminary examination he had notice, counsel, an opportunity to present evidence and cross-examine witnesses, and a neutral probable-cause determination based on witness testimony and medical evidence.

PROCEDURAL HISTORY

Wilson, a Michigan inmate, sued prison officials alleging that labeling him a sex offender and requiring or effectively requiring sex-offender programming as a condition of parole consideration violated procedural due process. The court previously denied defendants' motion to dismiss and denied Wilson's motions for summary judgment and a preliminary injunction, and the Sixth Circuit dismissed the resulting appeal by stipulation. After remand and discovery, the magistrate judge recommended granting defendants' summary-judgment motion. Defendants objected to portions of the reasoning but not to the recommended dismissal, while Wilson filed no objections. The district court overruled defendants' objections, adopted the recommendation, granted summary judgment, and dismissed the action with prejudice.

DISPOSITION

other

CASES CITED

- Wilson v. Smith, No. 23-11666, 2024 WL 4349179 (E.D. Mich. Sept. 30, 2024)
- Wilson v. Smith, No. 24-1864, 2025 WL 52817 (6th Cir. Jan. 6, 2025)
- United States v. Raddatz, 447 U.S. 667 (1980)
- United States v. Walters, 638 F.2d 947, 950 (6th Cir. 1981)
- Thomas v. Arn, 474 U.S. 140, 142, 147 (1985)
- McClanahan v. Comm'r of Soc. Sec., 474 F.3d 830, 837 (6th Cir. 2006)

- Smith v. Detroit Fed'n of Tchrs. Loc. 231, 829 F.2d 1370, 1373 (6th Cir. 1987)
- Alexander v. CareSource, 576 F.3d 551, 558 (6th Cir. 2009)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 251-52 (1986)
- Mt. Lebanon Pers. Care Home, Inc. v. Hoover Universal, Inc., 276 F.3d 845, 848 (6th Cir. 2002)
- Street v. J.C. Bradford & Co., 886 F.2d 1472, 1479 (6th Cir. 1989)
- Schulkers v. Kammer, 955 F.3d 520, 545-46 (6th Cir. 2020)
- Swarthout v. Cooke, 562 U.S. 216, 219 (2011)
- Wolff v. McDonnell, 418 U.S. 539, 555-56, 558 (1974)
- Vitek v. Jones, 445 U.S. 480, 493 (1980)
- Sandin v. Conner, 515 U.S. 472, 484 (1995)
- Bd. of Pardons v. Allen, 482 U.S. 369, 373 (1987)
- Greenholtz v. Inmates of Neb. Penal & Corr. Complex, 442 U.S. 1, 7 (1979)
- Morrissey v. Brewer, 408 U.S. 471, 480 (1972)
- Helvering v. Gowran, 302 U.S. 238, 245 (1937)
- G.E. v. Williamson Cnty. Bd. of Educ., 731 F. Supp. 3d 954, 965 n.2, 977 (M.D. Tenn. 2024), aff'd, No. 24-5969, 2026 WL 384250 (6th Cir. Feb. 11, 2026)
- Overholt v. Green, No. 11-00186, 2018 WL 3018175, at *2 (W.D. Ky. June 15, 2018)
- Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991)
- Harper v. Arkesteyn, No. 19-1928, 2020 WL 4877518 (6th Cir. Apr. 28, 2020)
- Renchenski v. Williams, 622 F.3d 315 (3d Cir. 2010)
- Coleman v. Dretke, 395 F.3d 216 (5th Cir. 2004)
- Chambers v. Colorado Dep't of Corr., 205 F.3d 1237 (10th Cir. 2000)
- Kirby v. Siegelman, 195 F.3d 1285 (11th Cir. 1999)
- Neal v. Shimoda, 131 F.3d 818 (9th Cir. 1997)

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