

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Ricky Moore v. Devonta Lyons, et al.

Moore · No. 23-11815 · Decided January 24, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan considers Ricky Moore’s objections to a magistrate judge’s Report and Recommendation. Although the court accepts the untimely objections due to the plaintiff’s showing of cause, it overrules them as procedurally insufficient and leaves the case closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Judith E. Levy
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	January 24, 2026
DOCKET	23-11815
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's Report and Recommendation after the district court had adopted the recommendation and entered judgment. The district court accepted Plaintiff's explanation for the untimely objections but overruled them as procedurally insufficient.
STANDARD OF REVIEW	Objections to a magistrate judge's report and recommendation must comply with Federal Rule of Civil Procedure 72(b)(2) and Eastern District of Michigan Local Rule 72.1(d); improper, vague, or repetitive objections do not provide a basis for relief.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only.
PARTIES	Ricky Moore v. Devonta Lyons, et al.

TOPICS

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff showed sufficient cause for the court to consider objections filed after the deadline.
2. Whether Plaintiff's objections complied with the requirement to specify the challenged portions of the R&R and state the basis for each objection.

HOLDINGS

1. The court would consider Plaintiff's untimely objections because Plaintiff sufficiently showed cause for failing to file them within the deadline.
2. Objections to a magistrate judge's R&R are improper when they fail to specify the challenged portion of the R&R and state the basis for the objection; Plaintiff's objections therefore did not provide a basis for relief.

KEY QUOTATIONS

“For an objection to be proper, Eastern District of Michigan Local Rule 72.1(d)(1) requires parties to ‘specify the part of the order, proposed findings, recommendations, or report to which [the party] objects’ and to ‘state the basis for the objection.’” (PageID.229)

“For the reasons set above, Plaintiff’s objections are OVERRULED. This case remains closed.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff Ricky Moore asserted that his mail had not been properly delivered to him, which caused him to submit objections to the magistrate judge's R&R after the objection deadline had passed. The district court found that explanation sufficient to consider the objections despite their untimeliness. The objections did not identify the portions of the R&R being challenged or state the grounds for the challenge.

PROCEDURAL HISTORY

Magistrate Judge Kimberly G. Altman issued an R&R on July 18, 2025, with objections due within 14 days. The district court adopted the R&R and entered judgment on August 13, 2025, after noting that no objections had been filed. Plaintiff later submitted a change-of-address notice and objections, explaining that his mail had not been properly delivered. The court found sufficient cause to consider the late objections but overruled them because they did not specify the challenged portion of the R&R or state the basis for the objections.

DISPOSITION

other

CASES CITED

- *Pearce v. Chrysler Group LLC Pension Plan*, 893 F.3d 339, 346 (6th Cir. 2018)

- Coleman-Bey v. Bouchard, 287 F. App'x 420, 422 (6th Cir. 2008)
- Brumley v. Wingard, 269 F.3d 629, 647 (6th Cir. 2001)
- Miller v. Currie, 50 F.3d 373, 380 (6th Cir. 1995)

OPINION

Moore

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

Ricky Moore, Plaintiff, Case No. 23-11815 v. Judith E. Levy United States District Judge Devonta Lyons, et al., Mag. Judge Kimberly G. Altman Defendants.

ORDER OVERRULING PLAINTIFF'S OBJECTION [39]

Before the Court are Plaintiff's objections (ECF No. 39) to Magistrate Judge Kimberly G. Altman's Report and Recommendation ("R&R"). (ECF No. 35.)

Judge Altman's R&R was issued on July 18, 2025. (ECF No. 35.) As set forth in the R&R, objections to Judge Altman's R&R were due within 14 days of service. (Id. at PageID.320 (citing Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR 72.1(d)).) On August 13, 2025, the Court adopted Judge Altman's R&R and entered a judgment in this case, and noted that no objections had been filed. (ECF Nos. 36, 37.) On January 5, 2026, the Court received a notice of change of address and objections to the R&R from Plaintiff Ricky Moore. (ECF Nos. 38, 39.) In his notice, Plaintiff explains that his mail was not properly delivered to him. (ECF No. 38.) Because Plaintiff sufficiently showed cause for his failure to file timely objections, the Court will consider his objections. However, Plaintiff's objections are not sufficient. "For an objection to be proper, Eastern District of Michigan Local Rule 72.1(d)(1) requires parties to 'specify the part of the order, proposed findings, recommendations, or report to which [the party] objects' and to 'state the basis for the objection.'" *Pearce v. Chrysler Group LLC Pension Plan*, 893 F.3d 339, 346 (6th Cir. 2018). Objections that restate arguments already presented to the magistrate judge are improper, *Coleman-Bey v. Bouchard*, 287 F. App'x 420, 422 (6th Cir. 2008) (citing *Brumley v. Wingard*, 269 F.3d 629, 647 (6th Cir. 2001)), as are those that are vague and dispute the general correctness of the report and recommendation. *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). Here, Plaintiff does not state the basis for his objections. (ECF No. 39, PageID.229.) As such, his objections are not proper and do not provide a basis for relief. For the reasons set above, Plaintiff's objections are OVERRULED. This case remains closed. IT IS SO ORDERED. Dated: January 24, 2026 s/Judith E. Levy Ann Arbor, Michigan JUDITH E. LEVY United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 24, 2026. s/William Barkholz
WILLIAM BARKHOLZ
Case Manager

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