

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Brandon Alarie v. John Alarie, et al.

Alarie · No. 25-10008 · Decided March 11, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan adopted the magistrate judge’s Report and Recommendation and granted Plaintiff Brandon Alarie’s motion to dismiss. The action was dismissed without prejudice under Federal Rule of Civil Procedure 41(a)(2), and the remaining motions were denied as moot.

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	March 11, 2026
DOCKET	25-10008
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's Report and Recommendation recommending that Plaintiff's motion to dismiss be granted, the action be dismissed without prejudice, and the remaining motions be denied as moot. No party filed objections.
STANDARD OF REVIEW	The district court reviewed the Report and Recommendation under Federal Rule of Civil Procedure 72(b)(2) and E.D. Michigan Local Rule 72.1(d); although no objections were filed, the court independently reviewed the recommendation and concurred in its reasoning and result.
PRECEDENTIAL VALUE	Unpublished district court order
PARTIES	Brandon Alarie v. John Alarie, L'Anse Creuse Public Schools, Bonnie Alarie, Datum Precision Machine, Inc., Chesterfield Township Police Department, Township of Chesterfield

TOPICS

motions to dismiss

civil procedure

PRACTICE AREAS

Civil procedure

Voluntary dismissal

QUESTIONS PRESENTED

1. Whether the court should grant Plaintiff's requested voluntary dismissal under Federal Rule of Civil Procedure 41(a)(2).
2. Whether the remaining pending motions should be denied as moot following dismissal.
3. Whether Plaintiff could proceed under Rule 41(a)(2) even though some Defendants were eligible for dismissal without a court order under Rule 41(a)(1).

HOLDINGS

1. The court granted Plaintiff's motion and dismissed the action against all Defendants without prejudice under Federal Rule of Civil Procedure 41(a)(2).
2. A plaintiff is not required to use Rule 41(a)(1) and may instead seek dismissal under Rule 41(a)(2) against Defendants who could have been dismissed without a court order.
3. The court denied the remaining motions as moot after dismissing the case without prejudice.

FACTUAL BACKGROUND

The opinion contains little substantive factual background because the case was resolved on Plaintiff's request for voluntary dismissal. Plaintiff sought dismissal of the action against all Defendants under Federal Rule of Civil Procedure 41(a)(2). Several Defendants had not filed an answer or motion to dismiss and therefore could have been dismissed under Rule 41(a)(1), but Plaintiff elected to proceed under Rule 41(a)(2).

PROCEDURAL HISTORY

Plaintiff moved for dismissal under Federal Rule of Civil Procedure 41(a)(2). Magistrate Judge Anthony P. Patti recommended granting the motion, dismissing the case without prejudice, and denying the remaining motions as moot. The district court found no objections, independently reviewed the recommendation, concurred in its reasoning and result, adopted it, granted dismissal, and denied the remaining motions as moot.

DISPOSITION

dismissed

CASES CITED

- Wellfount, Corp. v. Hennis Care Ctr. of Bolivar, Inc., 951 F.3d 769, 773 (6th Cir. 2020)
- United States v. Wandahsega, 924 F.3d 868, 878 (6th Cir. 2019)
- Berkshire v. Beauvais, 928 F.3d 520, 530 (6th Cir. 2019)

OPINION

Alarie

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Brandon Alarie, Plaintiff, Case No. 25-10008 v. Judith E. Levy United States District Judge John Alarie, et al., Mag. Judge Anthony P. Patti Defendants. _____/

ORDER ADOPTING REPORT AND RECOMMENDATION [67]

Before the Court is Magistrate Judge Anthony P. Patti's Report and Recommendation ("R&R") recommending the Court grant Plaintiff's motion to dismiss (ECF No. 60), dismiss the case without prejudice, and deny all remaining motions as moot. (ECF Nos. 23, 25, 37, 39, 53.) The parties were required to file specific written objections, if any, within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. The Court has nevertheless carefully reviewed the R&R and concurs in the reasoning and result.¹ 1 The Court notes that the dismissal of this suit against all Defendants is done pursuant to Federal Rule of Civil Procedure 41(a)(2) as specifically requested by Accordingly, The Report and Recommendation (ECF No. 67) is ADOPTED; Plaintiff's motion to dismiss (ECF No. 60) is GRANTED; The remaining motions (ECF Nos. 23, 25, 37, 39, 53) are DENIED AS MOOT; and, This case is hereby DISMISSED WITHOUT PREJUDICE.² IT IS SO ORDERED. Dated: March 11, 2026 s/Judith E. Levy Ann Arbor, Michigan JUDITH E. LEVY United States District Judge Plaintiff. (ECF No. 60, PageID.1585 (moving for dismissal under Rule 41(a)(2)).) The Court clarifies that several Defendants— L'Anse Creuse Public Schools, John Alarie, Bonnie Alarie, Datum Precision Machine, Inc., Chesterfield Township Police Department, and Township of Chesterfield—were eligible for dismissal without a court order under Rule 41(a)(1) because they had not filed an answer or motion to dismiss. However, Plaintiff is not required to seek dismissal under Rule 41(a)(1), and may nonetheless seek dismissal under Rule 41(a)(2) against Defendants who could be dismissed without a court order. See Wellfount, Corp. v. Hennis Care Ctr. of Bolivar, Inc., 951 F.3d 769, 773 (6th Cir. 2020). As such, dismissal of this suit will proceed under Rule 41(a)(2). 2 By failing to object to the Report and Recommendation, the parties have forfeited any further right of appeal. United States v. Wandahsega, 924 F.3d 868, 878 (6th Cir. 2019); see also Berkshire v. Beauvais, 928 F.3d 520, 530 (6th Cir. 2019).

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 March 11, 2026. s/William Barkholz

WILLIAM BARKHOLZ

Case Manager

