

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Giovanni Ndreia v. City of Utica Mayor Gus Calandrino and City of
Utica Police Chief Matthew Kaluzny

Ndreia · No. 2:24-cv-13240 · Decided March 9, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan adopted a magistrate judge’s Report and Recommendation concerning Defendants’ motion for summary judgment. The court granted summary judgment to the City of Utica mayor and police chief and dismissed all claims with prejudice after neither party filed objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Brandy R. McMillion
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	March 9, 2026
DOCKET	2:24-cv-13240
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se civil rights action. Defendants moved for summary judgment, and the magistrate judge recommended granting the motion. The district court adopted the unobjected-to Report and Recommendation and dismissed all claims with prejudice.
STANDARD OF REVIEW	When no party timely objects to a magistrate judge's Report and Recommendation, the district court is released from its duty to independently review the matter and may accept the recommendation without expressing views on the merits.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation.
PARTIES	Giovanni Ndreia v. City of Utica Mayor Gus Calandrino, City of Utica Police Chief Matthew Kaluzny

TOPICS

summary judgment

civil rights

municipal liability

civil procedure

PRACTICE AREAS

civil rights

constitutional law

civil procedure

municipal law

QUESTIONS PRESENTED

1. Whether the district court could adopt the magistrate judge's Report and Recommendation without independently reviewing the merits when neither party timely objected.
2. Whether defendants' motion for summary judgment should be granted and Ndrea's claims dismissed with prejudice.

HOLDINGS

1. When neither party timely objects to a Report and Recommendation after being advised of the objection deadline, the district court may adopt the recommended disposition without independently reviewing the matter.
2. The defendants' motion for summary judgment was granted, and all claims were dismissed with prejudice.

KEY QUOTATIONS

“The failure to object to an R&R releases the Court from its duty to independently review the matter.”

“Similarly, failure to object to an R&R forfeits any further right to appeal.”

FACTUAL BACKGROUND

Ndrea alleged that the City of Utica's mayor and police chief violated his constitutional rights by removing political signs from his yard and removing him from a City Council meeting. Defendants sought summary judgment based on immunity, their authority to enforce order in public meetings, and the lack of a private cause of action to enforce criminal statutes.

PROCEDURAL HISTORY

Ndrea filed claims alleging that the defendants violated his constitutional rights by removing political signs from his yard and removing him from a City Council meeting. Defendants moved for summary judgment on immunity, authority to maintain order at public meetings, and the absence of a private cause of action to enforce criminal statutes. Magistrate Judge Anthony P. Patti issued a Report and Recommendation recommending summary judgment for defendants; neither party timely objected, so the district court adopted the recommendation and granted the motion.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 149 (1985)
- Ivey v. Wilson, 832 F.2d 950, 957-58 (6th Cir. 1987)
- Berkshire v. Dahl, 928 F.3d 520, 530 (6th Cir. 2019)

OPINION

Ndrea

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION
GIOVANNI NDREA,

Case No. 2:24-cv-13240 Plaintiff, Hon. Brandy R. McMillion v. United States District Judge
CITY OF UTICA MAYOR GUS Hon. Anthony P. Patti CALANDRINO and CITY OF United
States Magistrate Judge

UTICA POLICE CHIEF MATTHEW
KALUZNY,

Defendants. _____/

ORDER ADOPTING RECOMMENDED DISPOSITION OF REPORT AND
RECOMMENDATION (ECF NO. 30), GRANTING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT (ECF NO. 22)

Plaintiff Giovanni Ndrea (“Ndrea”) filed this pro se civil rights case against the City of Utica Mayor Gus Calandrino and Utica Police Chief Matthew Kaluzny (collectively, “Defendants”). See generally ECF No. 1. Ndrea alleges that Defendants violated his constitutional rights by removing political signs from his yard and removing him from a City Council meeting. *Id.* The case was referred to Magistrate Judge Anthony P. Patti for all pretrial matters. ECF No. 8. On July 15, 2025, Defendants moved for summary judgment based on claims of immunity, their ability to enforce order in public meetings, and the lack of a private cause of action to enforce criminal statutes. See generally ECF No. 22. On February 18, 2026, Magistrate Judge Patti issued a Report and Recommendation (“R&R”) recommending that the Court grant Defendants’ Motion for Summary Judgment. ECF No. 30. At the end of the R&R, the Magistrate Judge advised the parties that to seek review of his recommendation, they had to file specific objections with the Court within 14 days of service of the R&R. *Id.* at PageID.186-187. That time has expired and neither party has filed objections to the R&R or contacted the Court to ask for more time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter.

See *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *Ivey v. Wilson*, 832 F.2d 950, 957-58 (6th Cir. 1987) (explaining that a party's failure to timely object to a report and recommendation allows a court to accept the recommendation "without expressing any views on the merits of the magistrate's conclusions"). Similarly, failure to object to an R&R forfeits any further right to appeal. See *Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019) (recognizing that a party forfeits their right to appeal by failing to timely file objections to an R&R). Accordingly, because neither party objected to the R&R, IT IS HEREBY ORDERED that the Magistrate Judge's recommended disposition of Defendants' Motion is ADOPTED. IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (ECF No. 22) is GRANTED. IT IS FURTHER ORDERED that all claims in this action are DISMISSED WITH PREJUDICE. IT IS SO ORDERED. Dated: March 9, 2026 s/Brandy R. McMillion Detroit, Michigan HON. BRANDY R. MCMILLION United States District Judge