

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.

OPINION

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 Ndreia ("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. Ndreia 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