

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

Maurice Smith-Davis v. State of Michigan, et al.

Smith-Davis · No. 25-cv-12108 · Decided January 9, 2026

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN
DIVISION MAURICE SMITH-DAVIS, Plaintiff, Case No. 25-cv-12108 Hon. Matthew F.
Leitman v. STATE OF MICHIGAN, et al., Defendants.
_____/ ORDER (1)

ADOPTING RECOMMENDED DISPOSITION OF REPORT AND RECOMMENDATION
(ECF No. 23) AND (2) DENYING WITHOUT PREJUDICE DEFENDANTS’ MOTION TO
DISMISS (ECF No. 10) In this action, Plaintiff Maurice Smith-Davis alleges that the Defendants
violated his rights in connection with his employment with Defendant Michigan Department of
Corrections.

(See Am. Compl., ECF No. 8.) On August 7, 2025, Defendants moved to dismiss Smith-Davis’
claims against them. (See Mot., ECF No. 10.) Following a telephonic status conference with the
assigned Magistrate Judge, the parties agreed that Smith-Davis would file a Second Amended
Complaint by January 6, 2026. Based on that agreement, on November 26, 2025, the Magistrate
Judge issued a report and recommendation in which he recommended that the Court deny the
Defendants’ currently-pending motion to dismiss the First Amended Complaint without prejudice
(the “R&R”).

(See R&R, ECF No. 23.) At the conclusion of the R&R, the Magistrate Judge informed the parties
that if they wished to object to his recommendation, they needed to file specific objections with
the Court within 14 days. (See *id.*, PageID.280.)

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, (6th
Cir. 1987) (where party fails to file “timely objections” to report and recommendation, court may
accept that recommendation “without expressing any view on the merits of the magistrate’s
conclusions”).

Likewise, the failure to file objections to an R&R waives any further right to appeal. See *Howard
v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of
Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Because no party has filed an objection to the R&R, the Court ADOPTS the recommended disposition of the R&R and DENIES Defendants' motion to dismiss (ECF No. 10) WITHOUT PREJUDICE. IT IS SO ORDERED. s/Matthew F. Leitman MATTHEW F. LEITMAN UNITED STATES DISTRICT JUDGE Dated: January 9, 2026 I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 9, 2026, by electronic means and/or ordinary mail. s/Holly A. Ryan Case Manager (313) 234-5126