

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Jeffrey Graham v. United Steelworkers Local 332

Graham · No. 25-cv-11473 · Decided January 7, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan accepts a magistrate judge’s Report and Recommendation after finding no clear error and noting that no objections were filed. The court grants United Steelworkers Local 332’s motion to dismiss and denies Jeffrey Graham’s motion to strike as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Mark A. Goldsmith
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	January 7, 2026
DOCKET	25-cv-11473
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court considered a magistrate judge's Report and Recommendation recommending that Defendant's motion to dismiss be granted and Plaintiff's motion to strike be denied as moot. No party filed timely objections.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's Report and Recommendation, the district court need only determine whether the record contains clear error before accepting the recommendation.
PRECEDENTIAL VALUE	Unknown; the opinion is an order resolving a motion to dismiss and accepting an unobjected-to Report and Recommendation.
PARTIES	Jeffrey Graham v. United Steelworkers Local 332

TOPICS

- motions to dismiss
- civil procedure
- pleadings
- employment law
- labor law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should accept the magistrate judge's Report and Recommendation when no party filed a timely objection.
2. Whether Defendant's motion to dismiss should be granted.
3. Whether Plaintiff's motion to strike should be denied as moot.

HOLDINGS

1. A party's failure to file a timely objection to a magistrate judge's Report and Recommendation waives further judicial review of the challenged findings, subject to the district court's review for clear error before accepting the recommendation.
2. Defendant's motion to dismiss is granted.
3. Plaintiff's motion to strike is denied as moot.

KEY QUOTATIONS

"The failure to file a timely objection to an R&R constitutes a waiver of the right to further judicial review."

"On the face of the record, the Court finds no clear error and accepts the recommendation."

FACTUAL BACKGROUND

The opinion does not describe the underlying employment or labor dispute in substantive detail. The matter concerned Plaintiff Jeffrey Graham's action against United Steelworkers Local 332, Defendant's motion to dismiss, and Plaintiff's motion to strike.

PROCEDURAL HISTORY

Magistrate Judge Curtis Ivy Jr. issued a Report and Recommendation on December 19, 2025, recommending dismissal of the action and denial of Plaintiff's motion to strike as moot. After the objection period expired without objections, the district court reviewed the recommendation for clear error, accepted it, granted Defendant's motion to dismiss, and denied Plaintiff's motion to strike as moot.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)
- Smith v. Detroit Fed'n of Teachers, 829 F.2d 1370, 1373-1374 (6th Cir. 1987)
- Cephas v. Nash, 328 F.3d 98, 108 (2d Cir. 2003)
- Lardie v. Birkett, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION JEFFREY GRAHAM, Plaintiff, Case No. 25-cv-11473 v. HON. MARK A. GOLDSMITH UNITED STEELWORKERS LOCAL 332, Defendant.
_____/ ORDER (1) ACCEPTING THE RECOMMENDATION CONTAINED IN THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION DATED 12/19/25, (2) GRANTING DEFENDANT'S MOTION TO DISMISS (Dkt.

13) and (3) DENYING PLAINTIFF'S MOTION TO STRIKE (Dkt. 15) This matter is presently before the Court on the Report and Recommendation (R&R) of Magistrate Judge Curtis Ivy Jr., issued on December 19, 2025. In the R&R, the Magistrate Judge recommends that Defendant's motion to dismiss be granted (Dkt. 13) and Plaintiff's motion to strike be denied as moot. (Dkt.

15); R. & R. at PageID.100. The parties have not filed objections to the R&R, and the time to do so has expired. See Fed. R. Civ. P. 72(b)(2). The failure to file a timely objection to an R&R constitutes a waiver of the right to further judicial review. See *Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."); *Smith v. Detroit Fed'n of Teachers*, 829 F.2d 1370, 1373-1374 (6th Cir.

1987) (failure to file objection to R&R "waived subsequent review of the matter"); *Cephas v. Nash*, 328 F.3d 98, 108 (2d Cir. 2003) ("As a rule, a party's failure to object to any purported error or omission in a magistrate judge's report waives further judicial review of the point."); *Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) ("As to the parts of the report and recommendation to which no party has objected, the Court need not conduct a review by any standard.").

However, there is some authority that a district court is required to review the R&R for clear error. See Fed. R. Civ. P. 72 Advisory Committee Note Subdivision (b) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Therefore, the Court has reviewed the R&R for clear error. On the face of the record, the Court finds no clear error and accepts the recommendation. Accordingly, Defendant's motion to dismiss is granted. Plaintiff's motion to strike is denied as moot. SO ORDERED. Dated: January 7, 2026 s/Mark A. Goldsmith Detroit, Michigan MARK A. GOLDSMITH 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 7, 2026. s/Joseph Heacox JOSEPH HEACOX Case Manager

