

**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

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