

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLIFTON LEE,

Plaintiff,

Case No. 20-cv-12480
Hon. Matthew F. Leitman

v.

OBELL WINN, *et al.*,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 25) AND (2) GRANTING
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (ECF No. 19)**

Plaintiff Clifton Lee is a state prisoner in the custody of the Michigan Department of Corrections. At all relevant times, Lee was incarcerated at the Saginaw Correctional Facility (“SRF”).

On August 20, 2020, Lee filed this action in the United States District Court for the Western District of Michigan against, among others, the Warden at SRF, Defendant Obell Winn, and the Resident Unit Manager at SRF, Defendant Nannie Culberson. (*See* Compl., ECF No. 1.) Lee’s Complaint was subsequently transferred to this Court. (*See id.*) In his Complaint, Lee alleges that Winn and Culberson violated his constitutional rights under the Eighth and Fourteenth Amendments. (*See id.*)

On May 13, 2022, Winn and Culberson moved for summary judgment based on Lee's failure to exhaust his administrative remedies. (*See* Mot., ECF No. 19.) Lee's response to the motion was due on June 3, 2022, but Lee did not file a response by that date. *See* E.D. Mich. Local Rule 7.1(e)(2)(A) (providing that a party has 21 days to respond to a summary judgment motion). After Lee failed to respond to the motion, the assigned Magistrate Judge issued an order directing Lee to file a response by no later than June 30, 2022. (*See* Order, ECF No. 21.) Lee again failed to file a response by that date. As of the date of this order, Lee has not filed any response to Defendants' summary judgment motion.

On February 22, 2023, the Magistrate Judge issued a Report and Recommendation in which he recommended granting Defendants' motion (the "R&R"). (*See* R&R, ECF No. 25.) The Magistrate Judge concluded that because Lee had failed to exhaust his administrative remedies against Defendants Winn and Culberson, he could not maintain his claims against them. (*See id.*) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.155.)

Lee has not filed any objections to the R&R. Nor has he contacted the Court seeking additional 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). 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).

Accordingly, because Lee has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of Defendants’ motion for summary judgment is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants’ motion for summary judgment (ECF No. 19) is **GRANTED** and Lee’s claims against Defendants Winn and Culberson are **DISMISSED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 16, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 16, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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