

Bielicki v. Doepker

United States District Court for the Eastern District of Michigan, Southern Division

March 6, 2024, Decided; March 6, 2024, Filed

Case Number 23-12692

Reporter

2024 U.S. Dist. LEXIS 39302 *

RICKY LEE BIELICKI, Plaintiff, v. BRADLEY J. DOEPKER, TYLER G. DAVIDSON, SHEPHERD TRI-TOWNSHIP FIRE DEPARTMENT, and SAGINAW CHIPPEWA TRIBAL FIRE DEPARTMENT, Defendants.

Counsel: [*1] Rickie Lee Beilicki, Plaintiff, Pro se, Mount Pleasant, MI.

For Bradley J. Doepker, Defendant: G. Gus Morris, McGraw Morris PC, Troy, MI; John T. Gemellaro, McGraw Morris P.C., Troy, MI.

For Tyler G. Davidson, Defendant: Tobin H. Dust, O'Neill, Wallace & Doyle, P.C., Saginaw, MI.

For Shepherd Tri-Township Fire Department, Defendant: G. Gus Morris, McGraw Morris PC, Troy, MI; John T. Gemellaro, McGraw Morris P.C., Troy, MI.

Judges: Honorable DAVID M. LAWSON, United States District Judge. Magistrate Judge Patricia T. Morris.

Opinion by: DAVID M. LAWSON

Opinion

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CLAIMS AGAINST DEFENDANT SAGINAW CHIPPEWA TRIBAL FIRE DEPARTMENT AND CONTINUING REFERRAL TO MAGISTRATE JUDGE

Presently before the Court is the report issued on January 25, 2024 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b) recommending that the Court dismiss the plaintiff's claims against defendants Mount Pleasant City Fire Department and Saginaw Chippewa Tribal Fire Department. The deadline for filing objections to the report has passed, and no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the

failure to [*2] object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge. The Court notes that the plaintiff's claims against defendant Mount Pleasant Fire Department previously were dismissed by stipulation of the parties.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 25) is **ADOPTED**, and all of the plaintiff's claims against defendant Saginaw Chippewa Tribal Fire Department **ONLY** are **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that the referral of the case to the assigned magistrate judge is **CONTINUED**.

/s/ David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: March 6, 2024

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