

191 F.3d 452

Unpublished Disposition

NOTICE: THIS IS AN UNPUBLISHED OPINION.

(The Court's decision is referenced in a "Table of Decisions Without Reported Opinions" appearing in the Federal Reporter. Use FI CTA6 Rule 28 and FI CTA6 IOP 206 for rules regarding the citation of unpublished opinions.)

United States Court of Appeals, Sixth Circuit.

ISLAMIC PALACE OF THE RISING SUN, Plaintiff-Appellant,
Fa'Dee MULAZIM, Intervenor-Appellant,

v.

Perry M. JOHNSON, et al., Defendants-Appellees.

ISLAMIC PALACE OF THE RISING SUN; Morris Martin, Plaintiffs-Appellants,
Fa'Dee MULAZIM, Intervenor,

v.

Perry M. JOHNSON, et al., Defendants-Appellees.

ISLAMIC PALACE OF THE RISING SUN, Plaintiff,
Fa'Dee MULAZIM, Intervenor-Appellant,

v.

Perry M. JOHNSON, et al., Defendants-Appellees.

ISLAMIC PALACE OF THE RISING SUN, Plaintiff,
Fa'Dee MULAZIM, Intervenor-Appellant,

v.

Perry M. JOHNSON, et al., Defendants-Appellees.

Nos. 97-2288, 97-2297, 98-1093, 98-1361. | Sept. 24, 1999.

Before BOGGS and DAUGHTREY, Circuit Judges; MCKINLEY, District Judge.*

Opinion

ORDER

*1 These four consolidated appeals arise from prisoner civil rights litigation resulting in a final district court judgment terminating a 1983 consent judgment. These cases have been referred to a panel of the court pursuant to Rule 34(j)(1), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R.App. P. 34(a).

In May of 1983, the parties herein stipulated to the entry of a consent judgment which provided that the members of the Melanic Islamic Palace of the Rising Sun in the custody of the Michigan Department of Corrections (MDOC) "shall have the right to practice their religion on the same basis as other religions at the particular facility in which they are located."

In 1997, the MDOC moved the district court to terminate the 1983 consent judgment pursuant to the Prison Litigation Reform Act, 18 U.S.C. § 3626. The plaintiffs filed several motions seeking to hold the defendants in contempt and seeking certain injunctive relief. The district court denied plaintiffs' motions and granted the defendants' motion to terminate the consent judgment. Three of the appeals before the court are taken from decisions to deny various preliminary motions. The fourth appeal is from the judgment terminating the consent decree.

A review of the record and law shows that Mulazim waived his right to appeal the termination of the consent decree because he failed to file any objections to the magistrate judge's report which recommended that the defendants' motion be granted. A party who does not file timely objections to a magistrate judge's report and recommendation, after being advised to do so, waives his right to appeal pursuant to the doctrine enunciated in *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir.1981). See *Thomas v. Arn*, 474 U.S. 140, 155 (1985). To the extent we can review the decisions denying interim relief under the decree in the remaining appeals, we conclude that relief was properly denied.

Accordingly, we hereby deny all outstanding motions for relief and affirm the district court's judgment terminating the consent judgment (Case No. 98-1361). Similarly, we hereby affirm the district court's judgments denying the various

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motions for contempt and injunctive relief (Case Nos. 97-2288, 97-2297 & 98-1093) pursuant to Rule 34(j)(2)(C), Rules of the Sixth Circuit.

Parallel Citations

1999 WL 775801 (C.A.6 (Mich.))

Footnotes

* The Honorable Joseph H. McKinley, Jr., United States District Judge for the Western District of Kentucky, sitting by designation.