



grievance protocol, which states that grievants must “include all aspects of the issue and identify all individuals” in their written grievances. [*Id.* at 7.] Because Riggs did not name Cornett, Jones, Mullins, or Perry at the grievance stage, the Magistrate concluded that Riggs “did not exhaust his administrative remedies” with regard to these Defendants. [*Id.* at 6.] Second, the Court noted that Riggs has already been released from prison, thus rendering his request for injunctive relief moot. [*Id.* at 7.] Finally, the Magistrate found that Plaintiff’s complaint “presented no evidence to create a question of fact as to the second element of an Eighth Amendment violation,” which requires showing that the Defendants “specifically acted with a culpable state of mind or were deliberately indifferent to the Plaintiff’s health and safety.” [*Id.* at 9.] For these reasons, the Magistrate recommended that the Court grant each of the Defendants’ motions.

Generally, this Court must make a *de novo* determination of those portions of the Recommended Disposition to which objections are made. 28 U.S.C. § 636(b)(1)(c). When no objections are made, as in this case, this Court is not required to “review . . . a magistrate’s factual or legal conclusions, under a *de novo* or any other standard.” See *Thomas v. Arn*, 474 U.S. 140, 151 (1985). Parties who fail to object to a magistrate judge’s report and recommendation are also barred from appealing a district court’s order adopting that report and recommendation. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Nevertheless, this Court has examined the record and agrees with Magistrate Judge Atkins’s Recommended Disposition. Accordingly, and the Court being sufficiently advised, it is hereby **ORDERED** as follows:

1. The Magistrate’s Report and Recommendation [**R. 37**] is **ADOPTED** as and for the Opinion of the Court;


2. The Defendants' Motions for Summary Judgment and Motion to Dismiss [**R. 31, 32, and 36**] are **GRANTED**;

3. The Plaintiff's action is **DISMISSED** in its entirety with prejudice; and

4. All other matters being resolved, **JUDGMENT** in favor of Defendants will be entered contemporaneously herewith, and this matter will be **STRICKEN** from the Court's active docket.

This 4<sup>th</sup> day of January, 2016.



Signed By:   
Gregory F. Van Tatenhove  
United States District Judge