MATTHEW CATANZADO and

## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

MICHAEL GARRISON,	No. 08-11173
Plaintiffs,	District Judge Thomas L. Ludington
v.	Magistrate Judge R. Steven Whalen
MICHIGAN DEPT. OF CORRECTIONS,	
Defendant.	/

## **ORDER**

Before the Court is Plaintiff Garrison's motion to strike Defendant's motion to dismiss [Docket #69]. This pleading is more appropriately construed as a response to the motion to dismiss, which was filed under Docket #63. However, on June 17, 2009, I issued a Report and Recommendation that the Defendant's motion to dismiss be denied.

Therefore, Plaintiff's motion to strike [Docket #69] is DENIED AS MOOT. SO ORDERED.

S/R. Steven Whalen R. STEVEN WHALEN UNITED STATES MAGISTRATE JUDGE

Dated: June 22, 2009

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on June 22, 2009.

S/G. Wilson Judicial Assistant