

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

MICHAEL GARRISON,

Plaintiff,

CIVIL ACTION NO. 06-CV-13258

vs.

DISTRICT JUDGE NANCY G. EDMUNDS

BETH DAVIS, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

OPINION AND ORDER DENYING PLAINTIFF'S MOTION TO STRIKE

This matter comes before the Court on Plaintiff's Motion to Strike Defendant's Motion to Dismiss. (Docket no. 100). Defendant Correctional Medical Services, Inc. (CMS) has responded to this motion. (Docket no. 101). All pretrial matters have been referred to the undersigned for decision. (Docket no. 26). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). Plaintiff's Motion is now ready for ruling.

Plaintiff moves to strike Defendant CMS's Motion to Dismiss on the basis that it is premature and frivolous. Defendant CMS's Motion to Dismiss is based on Plaintiff's failure to comply with this Court's previous order compelling him to sign a release form for his prison medical records. (Docket no. 89). Plaintiff objected to that Order and apparently believes that his objection stayed compliance with the Order thus causing Defendant's Motion to Dismiss to be premature. Defendant CMS has advised the Court that Plaintiff has now complied with the Order and provided it with a signed release form. (Docket no. 103). This Court will recommend that Defendant's Motion to Dismiss be denied because Plaintiff has now complied with the Order. Plaintiff's Motion to Strike will be denied.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Strike (docket no. 100) be **DENIED**.

NOTICE TO PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: July 09, 2009

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Report and Recommendation was served upon Michael Garrison and Counsel of Record on this date.

Dated: July 09, 2009

s/ Lisa C. Bartlett
Courtroom Deputy