

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

CARLTON WEST, #237293,

Plaintiff,

v.

Case No. 07-11081

Hon. Anna Diggs Taylor

Magistrate Judge Virginia M. Morgan

MICHIGAN DEPARTMENT OF
CORRECTIONS, INSPECTOR
PUTNAM, and S. KRONBERG

Defendants.

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

This matter is before the court on Magistrate Judge Virginia M. Morgan's Report and Recommendation of April 28, 2008, granting in-part Defendants' Motion for Summary Judgment and granting leave to Plaintiff to file an amended complaint detailing his remaining claims.

The court has reviewed the file, the Magistrate Judge's Report and Recommendation, and Plaintiff's and Defendants' objections filed thereto. The court finds that the law cited by the Magistrate has been correctly placed and is controlling in this matter.

THEREFORE, the court will accept the Magistrate's Report and Recommendation of April 28, 2008, as the findings and conclusions of this court.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Morgan's Report and Recommendation of April 28, 2008, is ACCEPTED and ADOPTED.

IT IS FURTHER ORDERED Defendants' Motion for Summary Judgment is GRANTED In-Part and Plaintiff is GRANTED leave to file an amended complaint within 30 days of this court's Order Adopting the Magistrate Judge's Report and Recommendation.

IT IS SO ORDERED.

DATED: September 2, 2008

s/Anna Diggs Taylor

ANNA DIGGS TAYLOR

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on September 2, 2008.

Carlton West, II, #237293
Marquette Branch Prison
1960 U.S. Hwy 41 South
Marquette, MI 49855

s/Johnetta M. Curry-Williams
Case Manager