

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLEN WHITE,

Plaintiff,

vs.

MILLICENT WARREN, *et al.*,

Defendants.

Case No. 07-12531

Avern Cohn
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

ORDER ON MOTION FOR STATUS (Dkt. 38)

Plaintiff Allan White is a prisoner in the custody of the State of Michigan. On June 13, 2007, plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983, claiming that defendants, employees of the Michigan Department of Corrections (MDOC), conspired to retaliate against him for using the MDOC grievance process and to prevent his participation in the legal writers program. (Dkt. 1, p. 10). On July 16, 2007, plaintiff filed an amended complaint, in which he added various claims under Michigan's Elliott-Larsen Civil Rights Act and the Michigan Constitution. (Dkt. 5). This matter was referred by District Judge Avern Cohn to Magistrate Judge Charles E. Binder for all pretrial matters on June 28, 2007, and was reassigned to the undersigned on January 14, 2008. (Dkt. 3, 8).

On June 24, 2008, defendants filed a motion for summary judgment. (Dkt.

31). Plaintiff filed a response on August 22, 2008. (Dkt. 35). Defendants filed a reply on September 3, 2008, and plaintiff filed a sur-reply on September 24, 2008. (Dkt. 36, 37). On December 29, 2009, plaintiff filed a motion inquiring about the status of the motion for summary judgment. (Dkt. 38). On February 5, 2009, the undersigned issued a report and recommendation suggesting that the District Court grant defendants' motion for summary judgment. (Dkt. 39). Thus, plaintiff motion inquiring about the status of the motion for summary judgment is moot. For the foregoing reasons, plaintiff's motion for status is **DENIED** as **MOOT**.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: February 5, 2009

s/Michael Hluchaniuk
Michael Hluchaniuk
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Michael R. Dean, and I hereby certify that I have mailed by United States Postal Service the paper to the plaintiff, a non-ECF participant, at the following addresses*: Allan White, #127009, BOYER ROAD CORRECTIONAL FACILITY, 10274 Boyer Road, Carson City, MI 48811 and Allan White, #127009, CARSON CITY CORRECTIONAL FACILITY, 10522 Boyer Road, Carson City, MI 48811.

*The court docket reflects that the plaintiff's address is the BOYER ROAD CORRECTIONAL FACILITY. However, a check with the Michigan Department of Corrections prisoner tracking system indicates that the plaintiff is currently located at the CARSON CITY CORRECTIONAL FACILITY.

s/James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church Street
Flint, MI 48502
(810) 341-7850
pete_peltier@mied.uscourts.gov