

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHNNY KENNEDY,

Plaintiff,

v.

BRUCE L. CURTIS, *et al.*,

Defendants.

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Case No. 08-10267

DISTRICT JUDGE  
ARTHUR J. TARNOW

MAGISTRATE JUDGE  
DONALD A. SCHEER

**ORDER**  
**ADOPTING THE MAGISTRATE'S REPORT AND RECOMMENDATION [40]**  
**and**  
**DENYING PLAINTIFF'S MOTION TO DISMISS WITHOUT PREJUDICE [38]**

Before the Court is the Magistrate Judge's Report and Recommendation [40], filed on May 24, 2010, regarding Plaintiff's Motion to Dismiss Without Prejudice [38]. The Magistrate Judge recommended that Plaintiff's Motion be denied, and the parties have filed no objections to the Report and Recommendation.

There having been no objections, and the Court being fully advised in the premises,

**IT IS ORDERED** that the Report and Recommendation [40] is **ADOPTED**.

Accordingly, Plaintiff's Motion to Dismiss Without Prejudice [38] is **DENIED**.

**SO ORDERED.**

S/ARTHUR J. TARNOW

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Arthur J. Tarnow  
United States District Judge

Dated: June 24, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record  
and

**Johnny Kennedy # 139041**  
COOPER STREET CORRECTIONAL FACILITY  
3100 COOPER STREET  
JACKSON, MI 49201

on June 24, 2010, by electronic and/or ordinary mail.

S/LISA M. WARE  
Case Manager