

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOSEPH FLOWERS,

Plaintiff,

No. 08-CV-10607-DT

vs.

Hon. Gerald E. Rosen

LINDA METRISH, et al.,

Defendants.

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ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORTS AND RECOMMENDATIONS, GRANTING  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND  
DENYING PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on February 27, 2009

PRESENT: Honorable Gerald E. Rosen  
Chief Judge, United States District Court

This Section 1983 civil rights action having come before the Court on two Reports and Recommendations issued by U.S. Magistrate Judge R. Steven Whalen on January 28 and February 11, 2009 respectively recommending that the Court grant Defendants' Motion for Summary Judgment and deny Plaintiff's Motion for a Temporary Restraining Order; and no timely filed objections having been filed to either Report and Recommendation;<sup>1</sup> and the Court having reviewed the Magistrate Judge's Reports and Recommendations and the

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<sup>1</sup> The Court had granted Plaintiff an extension of time until February 23, 2009 to file any objections to the January 28, 2009 R&R but as of the date of this Order, no objections have been filed.

Court's entire file of this action and having concluded that, for the reasons stated in the Reports and Recommendations, Defendants' Motion for Summary Judgment should be granted and Plaintiff's Motion for Temporary Restraining Order should be denied; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Reports and Recommendations of January 28, 2009 [Dkt. # 25] and February 11, 2009 [Dkt. # 27] be, and hereby are, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's January 28, 2009 Report and Recommendation, Defendants' Motion for Summary Judgment [Dkt. # 19] is GRANTED. As recommended by the Magistrate Judge,

IT IS FURTHER ORDERED that the claims against Defendants Ball, Cunningham, Kaupp, Sizer and Cushman are dismissed WITH PREJUDICE. The claims against Defendant Metrish are dismissed WITHOUT PREJUDICE based on Plaintiff's failure to exhaust his administrative remedies.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's February 11, 2009 Report and Recommendation, Plaintiff's Motion for a Temporary Restraining Order [Dkt. # 3] is DENIED.

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: February 27, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 27, 2009, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager