

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT FOX, JR.,

Plaintiff,

No. 08-CV-14727-DT

vs.

Hon. Gerald E. Rosen

PENNY RODGERS, et al.,

Defendants.

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ORDER ADOPTING TWO REPORTS AND RECOMMENDATIONS  
AND DISMISSING SEVEN OF THE REMAINING DEFENDANTS

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on July 22, 2009

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

This matter having come before the Court on two Reports and Recommendations filed by United States Magistrate Mona K. Majzoub on May 29 and July 1, 2009 recommending that the Court grant the Motions to dismiss and for summary judgment filed by Defendants Clark, Eicher, Fairbanks, Lovin, Matthes, McClellan, Potter, Pramstaller, Richardson, Wight, Hutchinson and Rodgers, and dismiss all of Plaintiff's claims against these Defendants, with prejudice;<sup>1</sup> and no timely objections to the R&Rs

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<sup>1</sup> Defendants Richardson, Clark, Fairbanks, McClellan, and Pramstaller were previously dismissed from this action on May 29, 2009 on a motion to dismiss they filed along with various other defendants. During the pendency of the motion to dismiss, these defendants also joined in the instant Motion for Summary Judgment filed by Defendants Potter, Lovin, Wight, Mathes and Eicher. The Magistrate Judge entered her Report and

having been filed; and the Court having reviewed and considered the Magistrate Judge's Reports and Recommendations and the Court's entire file of this matter, and having concluded that, for the reasons stated by the Magistrate Judge, Defendants' motions to dismiss and for summary judgment should be granted, and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Reports and Recommendations of May 29 and July 1, 2009 [**Dkt. Nos. 60 and 64**] are hereby adopted by the Court.

IT IS FURTHER ORDERED that Defendant Hutchinson and Rodgers' Motion to Dismiss [**Dkt. # 45**] and Defendants' Motion for Summary Judgment [**Dkt. # 49**] are hereby GRANTED. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's claims against Defendants Hutchinson, Rodgers, Lovin, Wight, Potter, Mathes and Eichner are DISMISSED, with prejudice. This case shall, accordingly, proceed on Plaintiff's claims against Defendants Ibarra and Beckham, only.

SO ORDERED.

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

Dated: July 22, 2009

#### **CERTIFICATE OF SERVICE**

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Recommendation on the summary judgment motion on the same day that the Court ruled on the motion to dismiss.

I hereby certify that on July 22, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Randall A. Juip; Allan J. Soros, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Robert Fox, Jr., #208615, Parnall Correctional Facility, 1780 E. Parnall, Jackson, MI 49201 .

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(313) 234-5137