

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM HELMER,
Plaintiff,

Case No. 09-11697

Honorable Patrick J. Duggan

v.

BRIAN GUEST, KATHLEEN SOLOMON,
OSCODA COUNTY, KEVIN GRACE,
DAVE STENZEL, ED POKRZYWNICKI,
and RONALD NIGHTINGALE,
Defendants.

ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on July 14, 2011.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On May 4, 2009, William Helmer ("Plaintiff"), a state prisoner currently incarcerated at the Bellamy Creek Correctional Facility in Ionia, Michigan, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Presently before the Court is Plaintiff's motion for partial summary judgment, filed on January 5, 2011 pursuant to Federal Rule of Civil Procedure 56. The Court has referred this matter to Magistrate Judge Mona K. Majzoub for all pretrial proceedings.

On May 9, 2011, Magistrate Judge Majzoub issued a Report and Recommendation ("R&R") in which she recommends that this Court deny Plaintiff's motion. Plaintiff seeks summary judgment with respect to his claims of falsification of documents and malicious prosecution. Magistrate Judge Majzoub's R&R states that the Court previously considered Plaintiff's arguments and dismissed his claims except for the malicious prosecution claim

against Defendant Nightingale and the individual capacity excessive force claims against Defendants Guest, Pokrzywnicki, and Stenzel. R&R 2. Magistrate Judge Majzoub further notes that Plaintiff's motion makes no mention of the malicious prosecution claim against Defendant Nightingale.

At the conclusion of the R&R, Magistrate Judge Majzoub advises the parties that they may object and seek review of the R&R within fourteen days of service upon them. *Id.* She further advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." *Id.* (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). No objections to the R&R have been filed.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Majzoub. Accordingly,

IT IS ORDERED that Plaintiff's motion for partial summary judgment is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
D. Randall Gilmer, Esq.
G. Gus Morris, Esq.
Mark E. Donnelly, A.A.G.
Magistrate Judge Mona K. Majzoub

William Helmer, #140677
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