

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMUEL TRAVIS BURBA,

Plaintiff,

v.

NICK LUDWICK, et al.,

Defendants.

Case No. 09-cv-11961

Paul D. Borman
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

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OPINION AND ORDER (1) ADOPTING THE MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATION, (2) DISMISSING “DOE” DEFENDANTS, AND
(3) DISMISSING THE CASE

This is a prisoner civil rights case. The Complaint was transferred from the Western District of Michigan on May 21, 2009. (Dkt. No. 1). Plaintiff Samuel Travis Burba is currently incarcerated at the Standish Correctional Facility. The Complaint names Nick Ludwick, the Warden of the St. Louis Correctional Facility, along with five correctional officers listed as John Doe 1-5, as Defendants. Before the Court is Magistrate Judge Michael Hluchaniuk’s Report and Recommendation dismissing unnamed “Doe” defendants from the Complaint under Rule 41. (Dkt. No. 35).

Previously, this Court granted Defendant Nick Ludwick’s Motion to Dismiss. (Dkt. No. 26). On August 4, 2010, Plaintiff filed a Motion to Extend the Summons so that he could conduct discovery regarding the identity of the remaining Doe Defendants. (Dkt. No. 33). Magistrate Judge Hluchaniuk ordered that Plaintiff provide names and addresses for the Doe Defendants by October 29, 2010. (Dkt. No. 34). As of the date of this Order, Plaintiff has not identified or provided

addresses for the Doe Defendants. Magistrate Judge Hluchaniuk recommends dismissal of the Doe Defendants for failure to prosecute under Rule 41.

Having reviewed that Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court **ADOPTS** the Magistrate Judge's Report and Recommendation and **DISMISSES** the Doe Defendants from the case under Rule 41.

Defendant Nick Ludwick was dismissed in the Court's previous Order, leaving only the five John Doe correctional officers as Defendants. Therefore, this Order closes the case.

IT IS SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: January 10, 2011

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on January 10, 2011.

s/Denise Goodine
Case Manager