

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANDERSON LEE FERNANDERS,

Plaintiff,

Civil No. 09-12933  
Judge John Feikens  
Mag. Judge Donald Scheer

v.

MICHIGAN DEPARTMENT OF  
COMMUNITY HEALTH,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

I have before me, Magistrate Judge Donald A. Scheer's Report and Recommendation ("Report") (Docket #31). In his Report, Magistrate Judge Scheer recommends that I GRANT Defendant's Motion as to Counts 1-5 of the Complaint and as to the contract-based claim in Count 6 and DENY Defendant's Motion as to the Title VII race discrimination claim asserted in Count 6. The parties have filed Objections to the Report, and the matter is fully briefed. Having considered the arguments set forth by the parties, I find that Magistrate Judge Scheer has thoroughly and correctly analyzed the issues and I agree with his recommendation. Therefore, I OVERRULE the parties' Objections, ADOPT Magistrate Judge Scheer's Report and Recommendation, GRANT Defendant's Motion as to Counts 1-5 of the Complaint and as to the contract-based claim in Count 6, and DENY Defendant's Motion as to the Title VII race

discrimination claim asserted in Count 6.

**IT IS SO ORDERED.**

Date: May 10, 2010

s/ John Feikens  
John Feikens  
United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/parties of record on May 10, 2010, by U.S. first class mail or electronic means.

s/Carol Cohron  
Case Manager