

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK and ELLEN MILLS,

Plaintiffs,

Case No. 09-cv-14026

Paul D. Borman  
United States District Court Judge

v.

LAPEER COUNTY and  
DANA MILLER,

Defendants.

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ORDER ADOPTING THE MAGISTRATE JUDGE’S MARCH 16, 2011 REPORT AND  
RECOMMENDATION TO DENY DEFENDANTS’ SECOND MOTION FOR PARTIAL  
SUMMARY JUDGMENT AS MOOT (DKT. NO. 57)

Before the Court is Magistrate Judge Mark Randon’s March 16, 2011 Report and Recommendation to Deny Defendants’ Second Motion for Partial Summary Judgment as Moot (Dkt. No. 57).

Having reviewed the Magistrate Judge’s 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 (Dkt. No. 57), DENIES Defendants’ Second Motion for Summary Judgment as MOOT (Dkt. No. 45), DISMISSES Counts III, VII and VIII of Plaintiffs’ First Amended Complaint (Dkt. No. 19-2) and DISMISSES this action

with prejudice.<sup>1</sup>

IT IS SO ORDERED.

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

Dated: April 21, 2011

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on April 21, 2011.

S/Denise Goodine  
Case Manager

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<sup>1</sup> Simultaneous with the filing of his Report and Recommendation, on March 16, 2011, Magistrate Judge Randon issued an Opinion and Order (Dkt. No. 56) denying Plaintiffs' second motion to amend/correct their Complaint (Dkt. No. 34). The Magistrate Judge ruled that any amendment to Counts III, VII and VII (the only Counts remaining after this Court's February 17, 2011 Opinion and Order dismissing Counts I, II, IV, V and VI) would be futile as these claims failed as a matter of law. (Dkt. No. 56). Neither party filed objections to the Magistrate Judge's Opinion and Order.