

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Lavelle Searcy, et al.,

Plaintiffs,

Case Number 10-11242
Hon. Denise Page Hood

v.

Macomb County Jail, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Doc. # 290)**

Plaintiff Lavelle Searcy, along with others, filed this prisoner civil rights suit alleging violations of their constitutional rights. Searcy is the only remaining Plaintiff in this matter. The Amended Complaint alleged that the Macomb County Jail ("MCJ") had a black mold infestation, consequently, prisoners were served food that was nutritionally inadequate. Searcy also alleged that water at the MCJ was sour and tore up his skin and the MCJ allegedly provided inadequate medical health care. Searcy alleged "reports" of E-coli from unnamed sources, inadequate ventilation and fire detection and alarm systems, and brutally cold housing. Searcy further alleged MCJ's grievance system and law library were inadequate. He contends he was threatened in retaliation for filing, or expressing his desire to file,

complaints regarding these conditions. Searcy also alleged a violation of his First Amendment rights. He alleged that Macomb County violated his right to the free exercise of Judaism.

Pretrial matters were assigned to Magistrate Judge Elizabeth Stafford. Magistrate Judge Stafford issued a report and recommendation recommending that the Court grant Defendant's Motion for Summary Judgement (Doc. # 282). Magistrate Judge Stafford concluded that Searcy failed to show: (1) Macomb County exhibited deliberate indifference to Searcy's conditions of pretrial confinement; (2) Macomb County had a policy that prevented Searcy from exercising religious rights; (3) Macomb County exhibited any retaliatory motive regarding any of the alleged adverse actions Searcy received from filing or attempting to file grievances; and (4) Searcy was hindered in his efforts to pursue a legal claim as a result of the alleged inadequacy of or lack of access to the jail's law library

Once a report and recommendation has been issued, a party has fourteen days to file written objections to the Magistrate Judge's proposed findings and recommendations. 28 U.S.C. § 636. A district court is not required to review any portion of a report and recommendation to which no objection was made.

Hickey-Niezgoda v. Wells Fargo Home Mortgage, No. 11-10538, 2012 WL

1079573, at *1 (E.D. Mich. Mar. 30, 2012) citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Neither party filed any written objections, and the time period for filing objections has expired. After carefully reviewing the motion for summary judgment and the Report and Recommendation, the Court agrees with Magistrate Judge Stafford's recommendations. She accurately laid out the facts, properly examined portions of the record, and applied the correct standard of review. Magistrate Judge Stafford engaged in a thorough analysis of the issues and provided reasoned explanations for her conclusions.

Accordingly, the Court **ADOPTS** Magistrate Judge Stafford's Report and Recommendation and **GRANTS** Defendant Macomb County's Motion for Summary Judgment. (**Doc. #282**).

IT IS ORDERED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: February 29, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 29, 2016, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager