

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NICHOLAS SEALS,

Plaintiff,

v.

CASE NO. 10-15054

Hon. Lawrence P. Zatkoff

DEBRA SCUTT, et al.,

Defendants,

**OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, a state prisoner proceeding *pro se*, filed this case pursuant to 42 U.S.C. § 1983 and state, alleging deliberate indifference to his serious medical needs, in violation of the Eighth Amendment. This matter is currently before the Court on Magistrate Judge Mona Majzoub's Report and Recommendation (Docket #28), wherein the Magistrate Judge recommends that: (1) Plaintiff's Motion for Voluntary Dismissal (Docket #23) be granted; and (2) Defendant Correctional Medical Services's, Inc.'s Motion to Dismiss (Docket #15) be denied as moot and without prejudice. No objections to the Magistrate Judge's Report and Recommendation were received.

After a thorough review of the court file (including the parties' motions and briefs) and the Report and Recommendation, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court.

Therefore, for the reasons stated above, the Court hereby **ORDERS** that:

1. Plaintiff's Motion for Voluntary Dismissal (Docket #23) is **GRANTED**; and
2. Defendant Correctional Medical Services's, Inc.'s Motion to Dismiss (Docket #15) is **DENIED WITHOUT PREJUDICE**; and
3. All other outstanding motions are **DENIED AS MOOT**.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: May 11, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 11, 2011.

S/Marie E. Verlinde
Case Manager
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