

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONY PENN,

Plaintiff,

vs.

Case No. 11-10800
HON. GEORGE CARAM STEEH

DEPUTY EVANS, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION [DOC. #10]

This matter came before the court on plaintiff Tony Penn's *pro se* prisoner civil rights complaint pursuant to 42 U.S.C. § 1983. After screening the complaint pursuant to 28 U.S.C. §§ 1915A(b), 1915e(2)(B), and 42 U.S.C. § 1997e(c)(1), Magistrate Judge Binder recommended that the case be *sua sponte* dismissed with prejudice for failure to state a claim. The court accepted the report and recommendation and dismissed plaintiff's case with prejudice. Plaintiff then filed a motion for reconsideration, explaining that he had filed a timely objection to the report and recommendation which was apparently not received by the court and was not made part of the record. The court gave plaintiff until May 19, 2011 to re-file his objections. No objections have been received. Now therefore,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration is DENIED.

Dated: May 24, 2011

S/George Caram Steeh

GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
May 24, 2011, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk