

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DeANDRE McCASKILL, #316770,

Plaintiff,

NO. 2:11-cv-12824

v.

HON. PATRICK J. DUGGAN
MAG. MICHAEL J. HLUCHANIUK

KENNETH DETTLOFF,

Defendant.

_____ /

**OPINION AND ORDER DENYING DEFENDANT DETTLOFF'S MOTION FOR
SUMMARY JUDGMENT**

On June 30, 2011, Plaintiff, a prisoner in the custody of the Michigan Department of Corrections and proceeding *pro se*, filed this lawsuit against Defendant alleging a First Amendment retaliation claim and a conspiracy claim. *See* ECF No. 1. Plaintiff seeks to remedy these alleged civil rights violations using 42 U.S.C. §§ 1983 and 1985.

Defendant filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 on September 16, 2011. *See* ECF No. 11. This Court referred the motion to Magistrate Judge Michael Hluchaniuk under the authority granted by 28 U.S.C. § 636(b)(1)(B). *See* ECF No. 14.

Magistrate Judge Hluchaniuk issued a Report and Recommendation (“R&R”), on July 13, 2012, recommending that this Court deny Defendant’s motion. *See* Report and Recommendation, ECF No. 22. At the conclusion of his R&R, Magistrate Judge Hluchaniuk informed the parties that any objections to the R&R must be filed within

fourteen days and that the “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” *Id.* at 13 (citations omitted). Neither party filed objections.

Magistrate Judge Hluchaniuk determined that Plaintiff sufficiently demonstrated the requisite elements of a First Amendment retaliation claim and that Defendant failed to satisfy his burden of demonstrating the appropriateness of summary judgment as a matter of law. *Id.* Given Magistrate Judge Hluchaniuk’s determination that questions of fact regarding Plaintiff’s claims have yet to be resolved, the conclusion that Defendant is not entitled to summary judgment is proper. As such, after careful review of the R&R, this Court concurs with the conclusions reached by Magistrate Judge Hluchaniuk.

Accordingly,

IT IS ORDERED, that Magistrate Judge Hluchaniuk’s R&R is adopted and Defendant Kenneth Dettloff’s motion for summary judgment is **DENIED**.

Dated: September 18, 2012

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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