

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OKECHUKWU UDUKO,

Plaintiff,

CASE NUMBER: 11-13765

HONORABLE VICTORIA A. ROBERTS

v.

STEPHEN E. COZZENS, *et al.*,

Defendants.

ORDER

Before the Court is Defendants' motion requesting that Plaintiff's *in forma pauperis* ("IFP") status be revoked because Plaintiff has "three strikes" under the Prison Litigation Reform Act (Doc. # 31). The provision known as the "three-strikes" rule states:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under [the section governing proceedings *in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g).

On September 21, 2012, the Magistrate Judge filed his Report and Recommendation denying Defendants' motion. Plaintiff and Defendants filed objections.

This Court reviews *de novo* any part of the Magistrate Judge's Report and Recommendation on a dispositive motion that is properly objected to. 28 U.S.C. § 636(b)(1). After careful review of the entire record, the Court agrees with the Magistrate Judge's conclusions. The Magistrate Judge's thorough Report and Recommendation lays out the facts and procedural history of the case, as well as the relevant case law, and denies Defendants' claim with a reasoned explanation for his holding.

Accordingly, the Court **ADOPTS** Magistrate Judge Hluchaniuk's Report and Recommendation.

IT IS ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: November 16, 2012

The undersigned certifies that a copy of this document was served on the attorneys of record and Okechukwu Uduko by electronic means or U.S. Mail on November 16, 2012.

S/Linda Vertriest
Deputy Clerk