

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KENNETH B. BURTON,

Plaintiff,

Case No. 11-cv-14768

v.

HONORABLE STEPHEN J. MURPHY, III

J. PARKS, et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**  
(document no. 105), **GRANTING DEFENDANTS' MOTION FOR**  
**SUMMARY JUDGMENT** (document no. 91), **AND DISMISSING THE CASE**

This is a prisoner civil rights action against state employees who allegedly violated the First and Eighth Amendments by withholding adequate medical care from Plaintiff Kenneth B. Burton. The Court has already dismissed the claims against six of the defendants, and the remaining four defendants have moved for summary judgment. On December 9, 2013, the magistrate judge issued a report and recommendation ("Report") recommending that the motion be granted. The parties had fourteen (14) days to object to the Report. See Fed. R. Civ. P. 72(b)(2). No party filed a timely objection. Although a court must review timely objections to a magistrate judge's report and recommendation, a court may adopt, reject, or amend the portions of a report and recommendation to which no party properly objects. See Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*, 474 U.S. 140, 150 (1985). For the reasons stated in the Report, the Court will adopt the Report, grant the motion for summary judgment, and dismiss the remaining claims.

**ORDER**

**WHEREFORE**, it is hereby **ORDERED** that the Report (document no. 105) is **ADOPTED**, that the motion for summary judgment (document no. 91) is **GRANTED**, and that the case is **DISMISSED**.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: January 8, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 8, 2014, by electronic and/or ordinary mail.

s/Carol Cohron  
Case Manager