

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Robert Annabel,

Plaintiff,

v.

Case No. 12-13590

Daniel Heyns, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

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**ORDER DENYING**  
**PLAINTIFF'S RULE 60(B) MOTION FOR RELIEF OF JUDGMENT**  
**(DOCKET ENTRY NO. 46)**

Plaintiff Robert Annabel ("Plaintiff"), a Michigan state prisoner, filed this prisoner civil rights action asserting § 1983 claims against multiple defendants.

This Court referred this matter to Magistrate Judge Paul Komives for all pretrial proceedings. (Docket Entry No. 7). Thereafter, Defendants filed three motions to dismiss and/or motions for summary judgment. (Docket Entry Nos. 11, 13, and 19). On August 7, 2013, Magistrate Judge Komives issued a Report and Recommendation ("R&R") that dealt with all three motions. (Docket Entry No. 34).

Plaintiff, MDOC Defendants Rutgers and King, and Defendant Dinsa, filed objections to the R&R. (Docket Entry Nos. 35, 37 & 39). Plaintiff objected to the magistrate judge's conclusion that he failed to exhaust his administrative remedies against Defendants Heyns, Morris and Sata.

On September 9, 2013, this Court issued an "Order Adopting Report And

Recommendation In Part And Rejecting It In Part” (Docket Entry No. 43). In that Order, this Court found Plaintiff’s objections without merit and stated that it concludes that the magistrate judge properly dismissed his claims against Defendants Heyns, Morris, and Sata.

On September 25, 2013, Plaintiff filed a Rule 60(b) Motion (Docket Entry No. 46), wherein he asks the Court to reconsider its rulings in the Court’s September 9, 2013 Order, specifically the dismissal of his claims against Defendants Heyns and Sata.

Having reviewed Plaintiff’s motion, the August 7, 2013 R&R, and this Court’s September 9, 2013 Order, the Court continues to conclude that Plaintiff’s claims against Defendants Heyns and Sata were properly dismissed. Accordingly, IT IS ORDERED that Plaintiff’s Rule 60(b) Motion (Docket Entry No. 46) is DENIED.

IT IS SO ORDERED.

Dated: January 30, 2014

S/ Sean F. Cox  
Sean F. Cox  
U. S. District Court Judge

I hereby certify that on January 30, 2014, the foregoing document was served upon counsel of record by electronic means and upon Robert Annabel by First Class Mail at the address below:

Robert Annabel  
414234  
Gus Harrison Correctional Facility  
2727 E. Beecher Street  
Adrian, MI 49221

Dated: January 30, 2014

S/ J. McCoy  
Case Manager