

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Kyle B. Richards,

Plaintiff,

v.

Case No. 12-14148

Ken McKee, *et al.*,

Honorable Sean F. Cox

Defendants.

ORDER

**ADOPTING FEBRUARY 25, 2013 REPORT AND RECOMMENDATION
AND DENYING MOTION FOR PRELIMINARY INJUNCTIVE RELIEF**

Proceeding *pro se*, Plaintiff Kyle B. Richards, a Michigan state prisoner, brought this lawsuit against 50 defendants asserting claims under 42 U.S.C. § 1983 and state law.

On January 25, 2013, this matter was referred to Magistrate Judge Laurie J. Michelson for all pretrial proceedings, including hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).

On February 25, 2013, Magistrate Judge Michelson issued a “(1) Report and Recommendation To Deny Plaintiff’s Motion For Preliminary Injunction [16] And (2) Order Denying Plaintiff’s Motion For Immediate Service And Request For Evidentiary Hearings [7]”. (Docket Entry No. 18). In the Report and Recommendation (“R&R”), Magistrate Judge Michelson recommends that the Court deny Plaintiff’s motion for a preliminary injunction to excuse him from exhausting his grievance. (R&R at 6). In making that recommendation,

Magistrate Judge Michelson concluded that, among other things,¹ “Plaintiff’s allegations are not sufficient at this early stage of the proceedings to constitute a substantial showing that he will successfully establish that he should be excused from exhausting his administrative remedies.” (R&R at 9-10).

On March 12, 2013, Plaintiff filed an “Objection and Request for Review.” (Docket Entry No. 22). Plaintiff objects to the magistrate judge’s conclusions regarding exhaustion of administrative remedies.

Having considered Plaintiff’s objections, the Court finds them without merit. The Court therefore **OVERRULES** Plaintiff’s objections.

The Court hereby **ADOPTS** Magistrate Judge Michelson’s February 25, 2013 R&R. The Court therefore **ORDERS** that Plaintiff’s motion seeking preliminary injunctive relief is **DENIED**.

IT IS SO ORDERED.

Dated: March 20, 2013

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

¹Magistrate Judge Michelson also concluded that Plaintiff’s request was premature. (R&R at 6).

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PROOF OF SERVICE

I hereby certify that on March 20, 2013, the foregoing document was served upon
counsel of record by electronic means and upon Kyle B. Richards by First Class Mail at the

address below:

Kyle Richards
641715
Bellamy Creek Correctional Facility
1727 West Bluewater Highway
Ionia, MI 48846

Dated: March 20, 2013

S/ J. McCoy
Case Manager