

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN GAUSE,

Plaintiff,

v.

Case No. 13-11152
Honorable Patrick J. Duggan

LATOYA ELLIS, MICHAEL CLOTHIER,
AVAR P. LAWS-WRIGHT, and
DENISE R. ALLSBERRY,

Defendants.

**OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION AND GRANTING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

On March 15, 2013, Plaintiff commenced this action pursuant to 42 U.S.C. § 1983, alleging that Defendants violated his civil rights as a result of a parole revocation hearing. Defendants filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 on May 20, 2013. (ECF No. 9.) This matter has been referred for all pretrial matters to Magistrate Judge David R. Grand. (ECF No. 10.)

On August 13, 2013, Magistrate Judge Grand issued a Report and Recommendation (R&R) in which he recommends that this Court grant Defendants' summary judgment motion. (ECF No. 20.) Magistrate Judge Grand

concludes that Defendants Latoya Ellis and Avar P. Laws-Wright, as the parole hearing officer and parole officer, respectively, are entitled to absolute immunity. (*Id.* at 7-10.) He concludes that Defendant Latoya Ellis is entitled to qualified immunity and that liability under § 1983 does not attach to Defendant Denise R. Allsberry for her role in denying Plaintiff's grievance. (*Id.* at 10-13.) At the conclusion of his R&R, Magistrate Judge Grand informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at 13.) He further advises that the "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (*Id.*, citations omitted). Neither party filed objections to the R&R.

This Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand.

Accordingly,

IT IS ORDERED, that Defendants' motion for summary judgment (ECF No. 9) is **GRANTED**.

Date: September 30, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

John Gause, #2100076
27462 Annapolis
Inkster, MI 48141

AAG Kevin R. Himebaugh
Magistrate Judge David R. Grand