

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK WHITE,

Plaintiff,

v.

Case No. 13-15073

HON. AVERN COHN

PAUL KLEE, LEE McROBERTS,
and C. CONDON,

Defendants.

ORDER
OVERRULING PLAINTIFF'S OBJECTIONS (Doc. 199)
AND
ADOPTING MAGISTRATE JUDGE'S ORDERS (Docs. 191, 194)
AND
ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (Doc. 192)

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff is proceeding pro se and in forma pauperis (IFP). The matter has been referred to a magistrate judge for all pretrial proceedings. (Doc. 12). Following motion practice and reports and recommendation (MJRR) which were adopted by the Court, Paul Klee, Lee McRoberts and C. Condon, remain as defendants. They are employed by the Michigan Department of Corrections (MDOC). Plaintiff claims that these defendants have violated his Eighth Amendment rights by placing him in danger from other inmates.

On June 6, 2017, the magistrate judge issued an order disposing of several pending non-dispositive motions, as follows:

1. Denying Plaintiff's Motion to Appoint Counsel (Doc. 170)
2. Denying Plaintiff's Motion to Strike Improper Response & Request for Admonishment/sanctions (Doc. 173).
3. Denying Plaintiff's Motion to Compel Response to Interrogatories/discovery and for Contempt Fines Fees and Costs (Doc. 183)

4. Denying Plaintiff's Motion to Provide Copies of Docket 160 at State Expense (Doc. 186)
5. Denying Plaintiff's Motion to Compel/order Discovery (Doc. 188)
6. Granting Defendants' Motion for Leave to Depose Prisoner Witnesses (Doc. 181)

(Doc. 191).

Also on June 6, 2017, the magistrate judge issued a report and recommendation (MJRR) recommending the disposition of the following two pending motions:

1. Plaintiff's Motion for Temporary Injunction/Restraining Order (Doc. 174) be denied.
2. Plaintiff's Motion for Contempt & Hearing (Doc. 179) be denied.

(Doc. 192).

On June 15, 2016, the magistrate judge issued another order disposing of the following non-dispositive motions:

1. Denying Plaintiff's Motion to Enforce/Compel Discovery Inspection and Contempt of Court by Non-Party Correction Personnel (Doc. 175)
2. Denying Plaintiff's Motion to Expedite Hearing on Injunction and Motion to Compel Discovery (Doc. 178)

(Doc. 194).

Before the Court are plaintiff's appeal from the orders (Docs. 191, 194) and objections to the MJRR (Doc. 192).¹

II.

When a party files timely objections to a magistrate judge's opinion and order concerning a non-dispositive matter, the district judge "must consider [these] objections and modify or set aside any part of the order that is clearly erroneous or is contrary to

¹Plaintiff also filed a "Motion to Admit Relevant Evidence..." (Doc. 198). The motion is GRANTED.

law.” Fed. R. Civ. P. 72(a).

A district court must conduct a de novo review of the parts of a magistrate judge's report and recommendation to which a party objects. 28 U.S.C. § 636(b)(1). The district "court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate" judge. Id.

III.

Having carefully reviewed the magistrate judge's orders and MJRR in light of plaintiff's objections, the Court is satisfied that the magistrate judge fully considered plaintiff's arguments and did not err in any ruling or recommendation. Plaintiff's objections are mostly a repetition of arguments addressed and rejected by the magistrate judge.

Accordingly, plaintiff's objections to the magistrate judge's orders are OVERRULED. The Court ADOPTS the magistrate judge's orders in full.

Plaintiff's objections to the MJRR are OVERRULED and the MJRR is ADOPTED as the findings and conclusions of the Court. Plaintiff's Motion for Temporary Injunction/Restraining Order (Doc. 174) is DENIED. Plaintiff's Motion for Contempt & Hearing (Doc. 179) is DENIED.

SO ORDERED.

Dated: July 27, 2017
Detroit, Michigan

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE