

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT ANNABEL,

Plaintiff,

No. 14-10244

v.

District Judge Arthur J. Tarnow  
Magistrate Judge R. Steven Whalen

JACK FROST, ET AL.,

Defendants.

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**ORDER**

On April 8, 2014, Plaintiff filed a motion for leave to file amended complaint [Doc. #17], which the Court granted on June 23, 2014 [Doc. #27]. Before the Court at this time is Plaintiff's second motion to amend/correct his complaint [Doc. #22].

In the second motion, Plaintiff brings claims against Defendants Eaton, Campbell, and Henry, based on their denial or rejection of administrative grievances. However, the Sixth Circuit has held that liability may not be imposed simply because a defendant reviewed or denied a grievance. *Shehee v. Lutrell*, 199 F.3d 295, 300 (6<sup>th</sup> Cir. 1999)(holding that prisoner's claims against defendants whose only involvement was the denial of administrative remedies failed as a matter of law); *see also Martin v. Harvey*, 14 Fed.App'x. 307, \*2 (6<sup>th</sup> Cir. 2001)(denial of a prisoner's grievance does not give rise to § 1983 liability); *Alder v. Corr. Med. Servs.*, 73 Fed.App'x 839, 841 (6<sup>th</sup> Cir.2003)("The mere denial of a prisoner's grievance states no claim of constitutional dimension.").

When a proposed amended complaint would not survive a motion to dismiss, the court may properly deny the amendment as futile. *Neighborhood Development Corp. v. Advisory Council on Historic Preservation*, 632 F.2d 21, 23 (6<sup>th</sup> Cir. 1980); *Thiokol*

*Corporation v. Department of Treasury*, 987 F.2d 376 (6<sup>th</sup> Cir. 1993). Plaintiff's proposed amended supplemental complaint would be futile.

Therefore, Plaintiff's Motion for Leave to File Amended Supplemental Complaint [Doc. #22] is DENIED.

IT IS SO ORDERED.

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: October 20, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on October 20, 2014, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla  
Case Manager to the  
Honorable R. Steven Whalen