

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL THREET,

Plaintiff,

Civil Action No. 14-cv-13345

vs.

HON. BERNARD A. FRIEDMAN

D. PHILLIPS, et al.,

Defendants.

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**ORDER GRANTING PLAINTIFF'S MOTIONS FOR
LEAVE TO FILE AN AMENDED COMPLAINT**

and

**ORDER REJECTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION AS MOOT**

This matter is presently before the Court on defendants' motion for summary judgment [docket entry 21] and plaintiff's motions for leave to file an amended complaint [docket entries 27 & 31].

Plaintiff seeks leave to file an amended complaint to "correct errors in his research, writing, and calculations." Pl.'s Mot. Defendants have not responded to these motions and the time for them to do so has expired. As leave to amend must be freely granted, *see, e.g., Shell v. Marks Oil Co.*, 830 F.2d 68 (6th Cir. 1987), and defendants apparently do not oppose it, the Court shall grant plaintiff's motions and deem the proposed amended complaint [docket entry 30] to be filed as of the date of this order.

As to defendants' motion for summary judgment, Magistrate Judge R. Steven Whalen has submitted a Report and Recommendation ("R&R") in which he recommends that defendants' motion, which he construes as an unenumerated motion under Fed. R. Civ. P. 12, be denied. Neither

