

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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MARK CHOMOS,

Plaintiff,

v.

Case No. 15-10103

WOODHAVEN POLICE DEPARTMENT, et al.,

Defendants.

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**ORDER GRANTING STIPULATED DISMISSAL AND TERMINATING AS MOOT  
REPORT AND RECOMMENDATION AND SUMMARY JUDGMENT MOTION**

Defendants Lieutenant Toth and Detective Brust<sup>1</sup> filed a motion for summary judgment in this civil rights action on April 13, 2017. (Dkt. # 157.) Plaintiff Mark Chomos did not file a response to the motion, and indicated in a separate filing that he did not oppose the summary judgment motion. (See Dkt. # 161.) On May 25, 2017, Magistrate Judge David R. Grand, to whom all pretrial matters have been referred pursuant to 28 U.S.C. § 1983, filed a report and recommendation that summary judgment be granted. (Dkt. # 163.) Shortly after, on May 30, the parties submitted a stipulated motion to dismiss Defendants with prejudice. (Dkt. # 165.) As a result, the report and recommendation is moot, as is the underlying summary judgment motion. Accordingly,

IT IS ORDERED that the stipulated motion to dismiss Defendants Toth and Brust (Dkt. # 165) is GRANTED. As agreed in the motion, the dismissal is WITH PREJUDICE.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation (Dkt. # 163) is TERMINATED AS MOOT.

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<sup>1</sup> Full names for Defendants do not appear in the pleadings. Detective Brust was incorrectly pled as "Burst." (Dkt. # 163, Pg. ID 3436.)

IT IS FURTHER ORDERED that the underlying summary judgment motion (Dkt. # 157) is TERMINATED AS MOOT.

s/Robert H. Cleland /  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: June 7, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 7, 2017, by electronic and/or ordinary mail.

s/Lisa Wagner /  
Case Manager and Deputy Clerk  
(810) 292-6522