

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD CROWELL,

Plaintiff,

Case No. 15-cv-14062

v.

HONORABLE STEPHEN J. MURPHY, III

KIM FARIS, et al.,

Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION** (document no. 25),
**DENYING DEFENDANTS' MOTIONS TO REVOKE
IN FORMA PAUPERIS STATUS** (document nos. 17 & 18),
**AND OVERRULING PLAINTIFFS' OBJECTIONS TO ORDER
DENYING MOTION FOR APPOINTMENT OF COUNSEL** (document no. 40)

Plaintiff Richard Crowell filed a pro se civil rights complaint under 42 U.S.C. § 1983 against various prison medical staff. Compl., ECF No. 1. Crowell filed a motion to proceed without prepayment of the filing fees, which the Magistrate Judge granted. ECF Nos. 2, 7. The defendants then filed a motion for an order to revoke *in forma pauperis* status because Crowell has filed at least three other cases that have been dismissed as frivolous. Mot. Revoke, ECF Nos. 17 & 18. The Magistrate Judge issued a Report and Recommendation advising that the Court deny the motion because Crowell satisfied the imminent danger exception to the three strikes rule as set out in 28 U.S.C. § 1915(g). Report, ECF No. 25. The Magistrate Judge also recommended, however, that the Court sua sponte dismiss two of the defendants, Eutrilla Taylor and Corizon Health, because the complaint did not set out any plausible claim for relief against them.

Under Civil Rule 72, each party had fourteen days to object to the Magistrate Judge's Report. Neither party filed a timely objection. The Court has reviewed the Report and it

appears legally sound. Accordingly, the Court will deny the motion to revoke the *in forma pauperis* status, but dismiss with prejudice the claims against Taylor and Corizon Health.

Furthermore, Crowell filed a motion seeking appointment of counsel. Mot. Counsel, ECF No. 31. The Magistrate Judge issued an Order denying the motion, reasoning that Crowell has not shown that the case is exceptional or warrants appointment of counsel under § 1915. Order, ECF No. 36. Crowell filed a “Response”, which appears to be an objection to the Magistrate’s ruling. Resp., ECF No. 40. For the reasons stated in the Magistrate Judge’s opinion, the Court will overrule the objections.

ORDER

WHEREFORE, it is hereby **ORDERED** that Defendants’ Motions to Revoke In Forma Pauperis Status (document nos. 17 & 18) are **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (document no. 25) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants Taylor and Corizon Health are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff’s Response (document no. 40) is **OVERRULED**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: June 30, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 30, 2016, by electronic and/or ordinary mail.

s/Carol Cohron
Case Manager