

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

CARY COSGROVE,

Plaintiff,

Case No. 16-10164

Honorable Victoria A. Roberts

v.

GARY MILLER, et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION [Doc. 36]  
AND GRANTING IN PART AND DENYING IN PART DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT [DOC. 26]**

On December 19, 2016, Magistrate Judge Elizabeth A. Stafford issued a Report and Recommendation [Doc. 36] recommending that Defendants' Motion for Summary Judgment [Doc. 26] be GRANTED IN PART and DENIED IN PART. Neither party filed objections within the fourteen day period pursuant to Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1). Accordingly, the Court **ADOPTS** the Report and Recommendation.

Defendants' motion for summary judgment [Doc. 26] is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff's excessive force claim against Anthony Collier survives summary judgment; all of his other claims are **DISMISSED WITHOUT PREJUDICE**.

**IT IS ORDERED.**

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: January 18, 2017

The undersigned certifies that a copy of this document was served on the attorneys of record and Cary Cosgrove by electronic means or U.S. Mail on January 18, 2017.

s/Linda Vertriest  
Deputy Clerk