

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY NORTHINGTON,

Plaintiff,

v.

BADAWI M. ABDELLATIF, *et al.*,

Defendants.

Case No. 16-12931

Paul D. Borman
United States District Judge

Mona K. Majzoub
United States Magistrate Judge

ORDER:

- 1) ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (ECF NO. 73);**
- 2) GRANTING IN PART AND DENYING IN PART STATE DEFENDANTS' AND STATE DEFENDANT KERSTEIN'S MOTIONS TO REVOKE PLAINTIFF'S *IN FORMA PAUPERIS* STATUS AND TO DISMISS, OR IN THE ALTERNATIVE TO SEVER (ECF NOS. 42, 56);**
- 3) GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR INJUNCTION (ECF NO. 62); AND**
- 4) DENYING PLAINTIFF'S FIRST AMENDED MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR INJUNCTION (ECF NO. 63)**

On April 7, 2017, Magistrate Judge Mona K. Majzoub issued a Report and Recommendation regarding several motions pending in this case. (ECF No. 73, Report and Recommendation.) In the Report and Recommendation, the Magistrate Judge recommended that this Court grant in part and deny in part the two Motions to Revoke Plaintiff's In Forma Pauperis Status and to Dismiss, or in the

Alternative to Sever (ECF Nos. 42, 56) that were filed collectively by various State Defendants in this action. The Magistrate Judge also recommended that the Court grant in part and deny in part Plaintiff's Motion for Leave to File First Amended Motion for Temporary Restraining Order and/or Injunction (ECF No. 62), and that the Court deny Plaintiff's First Amended Motion for Temporary Restraining Order and/or Injunction (ECF No. 63).

Having thoroughly reviewed the Report and Recommendation and there being no timely objections filed pursuant to 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court will adopt the Magistrate Judge's Report and Recommendation.

Accordingly, the Court hereby:

- ADOPTS the Magistrate Judge's April 7, 2017 Report and Recommendation (ECF No. 73);
- DENIES the State Defendants' Motions to Revoke Plaintiff's *In Forma Pauperis* Status and to Dismiss, or in the Alternative to Sever (ECF Nos. 42, 56), to the extent that they seek an order revoking Plaintiff's *in forma pauperis* status;
- GRANTS the State Defendants' Motions to Revoke Plaintiff's *In Forma Pauperis* Status and to Dismiss, or in the Alternative to Sever (ECF Nos. 42, 56), to the extent that they seek dismissal of Plaintiff's claims against Defendants Allen and Nichols;
- DISMISSES WITHOUT PREJUDICE Plaintiff's claims against Defendants Charles Allen and Bobby Echols relating to denial of dental care;

- GRANTS Plaintiff's Motion for Leave to File First Amended Motion for Temporary Restraining Order and/or Injunction (ECF No. 62), to the extent that it requests that the Court consider Plaintiff's First Amended Motion for Temporary Restraining Order (ECF No. 63) on the merits;
- DENIES Plaintiff's Motion for Leave to File First Amended Motion for Temporary Restraining Order and/or Injunction (ECF No. 62), to the extent that it seeks any further relief; and
- DENIES Plaintiff's First Amended Motion for Temporary Restraining Order (ECF No. 63).

IT IS SO ORDERED.

s/Paul D. Borman
Paul D. Borman
United States District Judge

Dated: May 22, 2017

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 22, 2017.

s/D. Tofil
Deborah Tofil, Case Manager