

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY R. ROBINSON,

Plaintiff,

v.

RODARTE, ET AL.,

Defendant.

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Case No. 16-cv-13691

UNITED STATES DISTRICT COURT JUDGE  
GERSHWIN A. DRAIN

UNITED STATES MAGISTRATE JUDGE  
PATRICIA T. MORRIS

**ORDER ACCEPTING REPORT AND RECOMMENDATION [26] AND DENYING  
PLAINTIFF'S MOTION TO AMEND [24]**

Timothy Robinson ("Plaintiff"), an incarcerated person, filed this action on October 14, 2016. Dkt. No. 1. Plaintiff's original Complaint alleges at least five claims against at least eleven different defendants. *Id.* On January 17, 2017, Defendants filed a Motion to Sever based on misjoinder of parties and claims. Dkt. No. 22. The Plaintiff did not respond to that motion. On March 15, 2017, this Court granted Defendants' Motion to Sever and held that, "[t]he portion of this claim that remains is the first claim alleged in the Complaint, that the St. Louis Correctional Facility Mailroom Staff unlawfully opened Plaintiff's legal mail." Dkt. No. 25.

On February 28, 2017, Plaintiff moved to amend his complaint. The matter was referred to Magistrate Judge Patricia T. Morris. On March 23, 2017, Magistrate Judge Morris issued a Report and Recommendation urging the Court to deny

Plaintiff's Motion to Amend. Dkt. No. 26. Neither party filed an objection to Magistrate Judge Morris' Report and Recommendation. The time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C). Upon review of the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion.

Therefore, the Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Morris' March 23, 2017 Report and Recommendation [26] as this Court's findings of fact and conclusions of law. Plaintiff's Motion to Amend [24] is **HEREBY DENIED**. Magistrate Judge Morris has issued a scheduling order for Plaintiff's claims against the St. Louis Correctional Facility Mailroom Staff. Insofar as Plaintiff still wishes to raise claims beyond those relating to the St. Louis Correctional Facility Mailroom Staff, he must do so in a separately filed complaint.

**SO ORDERED.**

Dated: April 24, 2017  
Detroit, MI

s/Gershwin A. Drain  
HON. GERSHWIN A. DRAIN  
United States District Court Judge

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, April 24, 2017, by electronic and/or ordinary mail.

/s/Teresa McGovern  
Case Manager Generalist