

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Duane Letroy Berry,

Plaintiff,

v.

Case No. 17-11154

Midland County Jail, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

ORDER ADOPTING
9/6/17 REPORT AND RECOMMENDATION

Plaintiff, who is incarcerated at the Midland County Jail. Acting *pro se*, he filed this action on April 10, 2017. The Court referred the matter for pretrial proceedings before Magistrate Judge David Grand (Doc. # 9).

On September 6, 2017, Magistrate Judge Grand issued a Report and Recommendation (“R&R”) (Doc. # 11) wherein he recommends that the Court dismiss Plaintiff’s complaint pursuant to 28 U.S.C. § 1915(e).

The time for filing objections to the R&R has expired. Plaintiff has filed several documents in the wake of the R&R including a document titled “Judicial Notice” that claims the Court lacks subject matter jurisdiction (Doc. # 12), a petition for a Writ of Assistance (Doc. # 13-14), and a Motion for Contempt (Doc. # 15-16). These documents, even when liberally construed, do not raise objections to the R&R and do not otherwise have merit.

The Court hereby ADOPTS the September 6, 2017 R&R and ORDERS that Plaintiff’s complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e). The Court further ORDERS that

Plaintiff's motions for Judicial Notice and Contempt and his petition for a Writ of Assistance are DENIED.

IT IS SO ORDERED.

Dated: October 26, 2017

s/Sean F. Cox
Sean F. Cox
U. S. District Judge

I hereby certify that on October 26, 2017, the foregoing document was served on counsel of record via electronic means and upon Duane Berry via First Class mail at the address below:

Duane Berry 907829
Miland County Jail
105 Fast Ice Drive
Midland, MI 48642

s/J. McCoy
Case Manager