

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL KITCHEN,

Plaintiff,

v.

Case No. 2:17-cv-11627

Judge George Caram Steeh

Magistrate Judge Anthony P. Patti

O'BELL T. WINN, WILLIAM FOY,
NANNIE CULBERSON, THOMAS HAYNES,
KETURAH MORRIS, MARK CHALKER,
BRADLEY ODETTE, BOBBY KARL,
TONY GLYNN, BRIAN TROMBLEY, and
UNKNOWN SUPERVISORS OR GUARDS,

Defendants.

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ORDER GRANTING DEFENDANTS'
MOTION FOR PROTECTIVE ORDER (DE 26)

Judge Steeh has referred this case to me for all pretrial proceedings. Currently pending before the Court are Defendants' September 6, 2017 motion for summary judgment (DE 25) and same-day motion for protective order (DE 26). Plaintiff has filed a combined response (DE 27), as well as an amendment to the response (DE 28).

By a report and recommendation entered this date, I have recommended that the Court: **(1)** grant Defendants' September 6, 2017 motion for summary judgment to the extent it seeks dismissal of Plaintiff's claims for money damages against Defendants in their official capacities; but, **(2)** deny it to the extent it seeks

dismissal of the claims against them on the basis of failure to exhaust. Meanwhile, the motion for protective order attaches Plaintiff's August 2017 discovery requests (DE 26 at 14-25), as well as the subpoena to Winn and the response thereto (DE 26 at 26-35), and requests that the Court "enter a protective order staying discovery until it rules on their dispositive motion[,]” (DE 26 at 11). Thus, the necessity for discovery in this case hinges upon whether the Court accepts and/or adopts this recommendation.

Upon consideration, Defendants' September 6, 2017 motion for protective order is **GRANTED**. Discovery is **STAYED** pending this Court's ruling upon Defendant's September 6, 2017 motion for summary judgment (DE 25). The stay of discovery will automatically lift once the Court issues its ruling. It goes without saying that at least some portion of the case will have to survive in order for discovery to be at issue.

IT IS SO ORDERED.

Dated: April 20, 2018

s/Anthony P. Patti
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on April 20, 2018, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti