

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL KITCHEN,

Plaintiff,

Case No. 17-11627

v.

HON. GEORGE CARAM STEEH

O'BELL T. WINN, *et al.*,

Defendants.

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ORDER ADOPTING REPORT  
AND RECOMMENDATION (DOC. 58)

On April 10, 2019, Magistrate Judge Anthony P. Patti submitted his report and recommendation, proposing that the court deny Plaintiff's motion for summary judgment without prejudice and deny Defendant's motion for enlargement of time as moot. No timely objections have been filed.

With respect to reports and recommendations from magistrate judges, this court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

In light of the lack of objections, the court will accept Magistrate Judge Patti's report and recommendation.

IT IS HEREBY ORDERED that Magistrate Judge Patti's report and recommendation (Doc. 58) is ADOPTED as the order of the court.

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment (Doc. 52) is DENIED WITHOUT PREJUDICE and Defendant's motion for enlargement of time (Doc. 53) is DENIED AS MOOT.

Dated: May 6, 2019

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 6, 2019, by electronic and/or ordinary mail and also on Michael Kitchen #189265, Michigan Reformatory, 1342 West Main Street, Ionia, MI 48846.

s/Barbara Radke  
Deputy Clerk