## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

JERRY ANDERSON.

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Case No. 17-CV-12854

VS.

HON. GEORGE CARAM STEEH

WILLIAM BORGERDING, et al.,

Defendants.	
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## ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION [DOC. 46]

Plaintiff Jerry Anderson is currently incarcerated by the Michigan

Department of Corrections (MDOC) and filed this pro se civil rights action
on August 28, 2017. Plaintiff alleges violations of his Eighth and

Fourteenth Amendment rights arising from a transfer of his MDOC housing
as well as the health care he has received from MDOC. The case is
before the court on defendants' four motions to dismiss [ECF Docs. 22, 23,
33, 45] as well as three motions filed by plaintiff [ECF Docs. 10, 25, 40].

The motions were referred to Magistrate Judge Majzoub, who issued a
Report and Recommendation recommending that defendants' motions to
dismiss be granted due to plaintiff's failure to exhaust his administrative

remedies and denied with regard to their requests for costs and attorney

fees. The Report and Recommendation further recommends that

plaintiff's motions be denied as moot and his complaint be dismissed

without prejudice.

The court has reviewed the file, record, and magistrate judge's report

and recommendation. Objections to that report have not been filed by

plaintiff within the established time period. The court agrees with the

analysis conducted by the Magistrate Judge, and therefore accepts her

recommendation in its entirety. Accordingly,

IT IS HEREBY ORDERED that defendants' motions to dismiss are

GRANTED and their requests for costs and attorney fees are DENIED.

IT IS HEREBY FURTHER ORDERED that plaintiff's action is

DISMISSED without prejudice for failure to exhaust his administrative

remedies.

Dated: July 25, 2018

s/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

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## CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 25, 2018, by electronic and/or ordinary mail and also on Jerry Anderson #160598, Lakeland Correctional Facility, 141 First Street, Coldwater, MI 49036.

s/Marcia Beauchemin Deputy Clerk