

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

THOMAS REED BUTLER,

Plaintiff,

Case No. 20-11100

v.

HON. DENISE PAGE HOOD

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION (ECF NO. 67) and
DENYING MOTION FOR SUMMARY JUDGMENT (ECF No. 62)**

This matter is before the Court on Magistrate Judge Anthony P. Patti's February 16, 2024 Report and Recommendation (ECF No. 67) to deny Defendant Deena M. Leighton's Motion for Summary Judgment (ECF No. 62). To date, no Objections have been filed to the Report and Recommendation.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an 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 order to preserve the right to

appeal the Magistrate Judge's recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

After review of the February 16, 2024 Report and Recommendation, the Court finds that the Magistrate Judge's conclusions are correct. The Court agrees with the Magistrate Judge that Defendant Leighton has not shown that she is entitled to relief for Plaintiff's alleged failure to exhaust available administrative remedies under 42 U.S.C. § 1997e(a). Accordingly,

IT IS ORDERED that Magistrate Judge Anthony P. Patti's Report and Recommendation (**ECF No. 67**) is **ACCEPTED AND ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendant Deena M. Leighton's Motion for Summary Judgment (**ECF No. 62**) is **DENIED**.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: March 26, 2024