

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

TORAN PETERSON,

Plaintiff,

v.

PIGG and REAM,

Defendants.

Case No. 20-12635

Honorable Nancy G. Edmunds
Magistrate Judge Elizabeth A. Stafford

**ORDER AND OPINION ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S
AUGUST 2, 2021 REPORT AND RECOMMENDATION [24] AND DENYING MOTION
FOR EXTENSION OF TIME TO FILE OBJECTIONS [25]**

This matter is before the Court on the Magistrate Judge's August 2, 2021 Report and Recommendation (ECF No. 24) and Plaintiff's Motion for an Extension of Time to File Objections (ECF No. 25). The Magistrate Judge recommends that the Court grant Defendants' Motion for Summary Judgment on the basis of Plaintiff's failure to exhaust his administrative remedies. (ECF No. 19.) None of the parties filed objections to the Magistrate Judge's Report and Recommendation within the time prescribed by the Federal Rules. See Fed. R. Civ. P. 72(b)(2). The Court has thoroughly reviewed the record and the pleadings, including the Report and Recommendation.

On August 27, 2021, eleven days past the deadline to file objections, Plaintiff moved the Court for a 45-day extension of time to file objections. (ECF No. 25.) Federal Rule of Civil Procedure 6(b) states: "When an act must be done within a specified time,

the court may, for good cause, extend the time . . . on motion made after the time has expired if the party failed to act because of excusable neglect.” Fed. R. Civ. P. 6(b)(1)(B).

The Court does not find good cause to grant this extension for two reasons. First, Plaintiff’s request is untimely, and he has failed to show excusable neglect. Second, the Court fully agrees with the reasoning and recommendation of the Magistrate Judge and finds that any objection to the same would be meritless. The Court therefore DENIES Plaintiff’s Motion for Extension of Time, ACCEPTS and ADOPTS the Magistrate Judge’s Report and Recommendation, GRANTS Defendants’ Motion for Summary Judgment, and DISMISSES WITHOUT PREJUDICE Plaintiff’s complaint.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: September 8, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 8, 2021, by electronic and/or ordinary mail.

s/William Barkholz for Lisa Bartlett
Case Manager