

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER ROBINSON,

Plaintiff,

v.

Case No. 15-13746

Honorable Linda V. Parker

KYRA BENNETT, et al.,

Defendants.

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**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S
AUGUST 18, 2016 REPORT AND RECOMMENDATION [ECF NO. 37], (2)
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
[ECF NO. 22], AND (3) DISMISSING AS MOOT DEFENDANTS' MOTION
TO STAY DISCOVERY [ECF NO. 23]; PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION [ECF NO. 27]; AND PLAINTIFF'S
MOTION TO DISMISS MOTION FOR PRELIMINARY INJUNCTION
[ECF NO. 33]**

Plaintiff Christopher Robinson commenced this lawsuit pursuant to 42 U.S.C. § 1983, alleging violations of the Eighth and Fourteenth Amendments, a conspiracy claim under 42 U.S.C. § 1985, and a claim for neglect to prevent under 42 U.S.C. § 1986, against Defendants Kyra Bennett, Michael Hughes, Tanzi Cole-Tabb, Anthony King, Charles Brown, and Kevin Belk (collectively "Defendants"). (ECF No. 1.) The matter had been referred for all pretrial matters to Magistrate Judge Stephanie Dawkins Davis. (ECF No. 19.)

On February 2, 2016, Defendants filed a motion for summary judgment and a motion to stay discovery. (ECF Nos. 22, 23.) On March 14, 2016, Plaintiff filed the following pleadings: (1) a response to Defendants' motion to stay discovery (ECF No. 26); (2) a motion for preliminary injunction (ECF No. 27); (3) a response to Defendants' motion for summary judgment (ECF No. 28); and (4) an index to exhibits (ECF No. 29). On March 28, 2016, Defendants filed a response to Plaintiff's motion for preliminary injunction. (ECF No. 31.) Plaintiff filed a reply to Defendants' response to the preliminary injunction and later filed a motion to dismiss his previously-filed motion for preliminary injunction. (ECF Nos. 32, 33.)

Magistrate Judge Davis issued a Report and Recommendation ("R&R") on August 18, 2016. Magistrate Judge Davis recommended that Defendants' motion for summary judgment be granted. (ECF No. 22.) She recommended that Defendants Cole-Tabb, Bennett, and Hughes should be dismissed without prejudice and Defendants King, Brown, and Belk should be dismissed with prejudice. Magistrate Judge Davis also recommended dismissing as moot Defendants' motion to stay discovery (ECF No. 23); Plaintiff's motion for preliminary injunction (ECF No. 27); and Plaintiff's motion to dismiss motion for preliminary injunction (ECF No. 33).

At the conclusion of the R&R, Magistrate Judge Davis advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (ECF No. 37 at Pg ID 800.) She further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*, citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Davis. The Court therefore adopts Magistrate Judge Davis’s August 18, 2016 Report and Recommendation.

Accordingly,

IT IS ORDERED, that Defendants’ motion for summary judgment is **GRANTED WITH PREJUDICE** to Defendants King, Brown, and Belk;

IT IS FURTHER ORDERED, that Defendants’ motion for summary judgment is **GRANTED WITHOUT PREJUDICE** to Defendants Cole-Tabb, Bennett, and Hughes;

IT IS FURTHER ORDERED, that Defendants’ motion to stay discovery (ECF No. 23); Plaintiff’s motion for preliminary injunction (ECF No. 27), and Plaintiff’s motion to dismiss motion for preliminary injunction (ECF No. 33) are

DENIED AS MOOT.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 13, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, September 13, 2016, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager