

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHRISTOPHER McDANIEL,

Plaintiff,

v.

Case No. 15-13892

T. BECHARD and P. STEELE,

HON. TERRENCE G. BERG

HON. DAVID R. GRAND

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 35)**

This matter is before the Court on Magistrate Judge David R. Grand's August 2, 2017 Report and Recommendation (Dkt. 35), recommending that Defendants' Motion to Dismiss and/or for Summary Judgment (Dkt. 24) be GRANTED.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of a report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will therefore accept the Magistrate's Report and Recommendation of August 2, 2017 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Grand's Report and Recommendation of August 2, 2017 is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendants' Motion to Dismiss and/or for Summary Judgment is **GRANTED** and that Plaintiff's claims are **DISMISSED WITH PREJUDICE** except for his Eighth Amendment claim for alleged denial of food, which is **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED.**

Dated: August 25, 2017

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

#### **Certificate of Service**

I hereby certify that this Order was electronically submitted on August 25, 2017, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb  
Case Manager