

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

J.T. SUTTON,

Plaintiff,

Civil Case No. 16-cv-10949

v.

Honorable Linda V. Parker

BLASIE GLENNIE, L. SCHUMACHER,
G. WILSON, HOPKINS,

Defendants.

_____/

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND GRANTING IN PART AND DENYING
IN PART DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. What remains is Plaintiff's claim that Defendants Geraldine Wilson and Arlinda Hopkins violated Plaintiff's Eight Amendment rights by failing to protect him from an attack by a fellow prisoner. The matter has been assigned to Magistrate Judge Stephanie Dawkins Davis for all pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1)(A) and (B). (ECF No. 8.) On October 1, 2018, Defendants Wilson and Hopkins filed a motion for summary judgment. (ECF No. 64.) Magistrate Judge Davis issued a Report and Recommendation ("R&R") on June 7, 2019, recommending that the Court grant in part and deny in part Defendants' motion. (ECF No. 74.)

Specifically, Magistrate Judge Davis concludes that there is a genuine issue of material fact with regard to whether Defendant Wilson was deliberately indifferent to a serious risk of harm to Plaintiff. Magistrate Judge Davis finds, however, that Plaintiff's claim for damages against Defendant Wilson in her official capacity must be dismissed. With respect to Defendant Hopkins, Magistrate Judge Davis finds no facts to support Plaintiff's deliberate indifference claim against her. Magistrate Judge Davis therefore recommends that the Court grant summary judgment to Defendant Hopkins, but deny summary judgment to Defendant Wilson except to the extent she is sued for damages in her official capacity.

At the conclusion of the R&R, Magistrate Judge Davis informs the parties of their right to file objections within fourteen days of service. Magistrate Judge Davis warns the parties that the "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (*Id.* at 34, citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1981).) Neither party filed objections to the R&R.

The Court has carefully reviewed Magistrate Judge Davis' June 7, 2019 R&R and concurs in her resolution of Defendants' motion. Therefore, the Court is adopting her recommendations.

Accordingly,

IT IS ORDERED that Defendants' motion for summary judgment (ECF No. 64) is **GRANTED IN PART AND DENIED IN PART** in that Plaintiff's claims against Defendant Hopkins are **DISMISSED WITH PREJUDICE** and she is **DISMISSED AS A PARTY** to this lawsuit and Plaintiff's claims against Defendant Wilson for damages in her official capacity, only, are **DISMISSED WITH PREJUDICE**.

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

Dated: July 12, 2019

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, July 12, 2019, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager