

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TORRANCE GRAHAM,

Plaintiff,

v.

Case No. 16-12258
Honorable Linda V. Parker

HEATHER CHICOWSKI, TYLER WILLER,
PAUL BOWERMAN, and MICHAEL TOURTEN,

Defendants.

_____/

OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S APRIL 18, 2017 REPORT AND RECOMMENDATION [ECF NO. 24]; (2) DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT [ECF NO. 10]; AND (3) DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT [ECF NO. 18]

Plaintiff Torrance Graham commenced this lawsuit on June 17, 2016. On September 9, 2016, Defendants Heather Chicowski, Tyler Willer, Paul Bowerman, and Michael Trouten (collectively "Defendants"), all Michigan Department of Corrections ("MDOC") employees, filed a motion for summary judgment. (ECF No. 10.) No reply was filed. On December 29, 2016, Plaintiff filed a motion for partial summary judgment which was fully briefed. (ECF Nos. 18, 21, 22.)

The matter has been assigned to Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive

matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 11.)

On April 18, 2017, Magistrate Judge Grand issued a report and recommendation (“R&R”) recommending that the Court deny without prejudice Defendants’ motion for summary judgment (ECF No. 10) and Plaintiff’s motion for partial summary judgment (ECF No. 18). At the conclusion of his R&R, Magistrate Judge Grand advises that the parties may object to and seek review of the R&R within fourteen days of service upon them. (ECF No. 24 at Pg ID 311.) He further specifically advises the parties that “[f]ailure to timely file objections constitutes a waiver of any further right to appeal.” (*Id.*) 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 Grand. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Defendants’ Motion for Summary Judgment (ECF No. 10) is **DENIED WITHOUT PREJUDICE**;

IT IS FURTHER ORDERED that Plaintiff’s Motion for Partial Summary

Judgment (ECF No. 18) is **DENIED WITHOUT PREJUDICE.**

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

Dated: July 20, 2017

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 20, 2017, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager