

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DERRYL WATSON,

Plaintiff,

No. 16-13770

v.

District Judge Linda V. Parker  
Magistrate Judge R. Steven Whalen

CHARLES JAMSEN, ET AL.,

Defendants.

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**ORDER**

Before the Court is Plaintiff's Motion to Defer Summary Judgment [Doc. #30], in which he asks to defer ruling on Defendant McCarthy's Motion for Summary Judgment [Doc. #21] until he has had the opportunity for more discovery.

I denied a similar motion [Doc. #10] in which he sought to defer a summary judgment motion filed by Defendant Landfair. Both summary judgment motions were based on Plaintiff's failure to exhaust his administrative remedies, as required by 42 U.S.C. § 1997e(a), and neither of which required additional discovery. However, I did grant Plaintiff additional time to respond to Defendant McCarthy's motion. *See* Doc. #32. In addition, both Landfair and McCarthy have been dismissed without prejudice, based on the exhaustion issue.

Therefore, Plaintiff's present motion [Doc. #30] is DENIED AS MOOT.

IT IS SO ORDERED.

Dated: December 6, 2017

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

## **CERTIFICATE OF SERVICE**

I hereby certify on December 6, 2017 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on December 6, 2017.

s/Carolyn M. Ciesla  
Case Manager for the  
Honorable R. Steven Whalen