

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADAM VON EHL,

Plaintiff,

v.

Civil Case No. 18-11453
Honorable Linda V. Parker

SAGINAW COUNTY JAIL, et al.,

Defendants.

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OPINION AND ORDER

On May 8, 2018, Plaintiff commenced this civil rights action against multiple defendants pursuant to 42 U.S.C. § 1983. On June 14, 2018, this Court dismissed all but two defendants, Sweeny and Pulaski. This Court has referred the matter to Magistrate Judge Stephanie Dawkins Davis for all pretrial matters.

On October 12, 2018, Defendants Sweeny and Pulaski filed a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. (ECF No. 15.) Magistrate Judge Davis ordered Plaintiff to respond to the motion by December 6, 2018. (ECF No. 16.) Magistrate Judge Davis warned Plaintiff that his “[f]ailure to file a response may result in sanctions, including granting all or part of the relief requested by the moving party.” (*Id.*, emphasis removed.)

The order was served on Plaintiff at the address listed on file with the Court, but was returned as “undeliverable.” (ECF No. 18.)

Magistrate Judge Davis issued a second order requiring Plaintiff to show cause in writing on or before February 7, 2019, as to why the Complaint should not be dismissed due to his failure to respond. (ECF No. 19.) Magistrate Judge Davis again warned Plaintiff that “[f]ailure to timely or adequately respond” would result in a recommendation that the matter be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure. (*Id.*) This show cause order also was served on Plaintiff at the address listed on file with the Court and was returned as “undeliverable.” (ECF No. 20.)

As of March 31, 2019, Plaintiff had not responded to Magistrate Judge Davis’ show cause order. Therefore, on that date, Magistrate Judge Davis issued a Report and Recommendation (“R&R”) recommending that this Court dismiss with prejudice Plaintiff’s Complaint against Sweeny and Pulaski pursuant to Rule 41(b) and terminate as moot the pending summary judgment motion. (ECF No. 21.)

At the conclusion of the R&R, Magistrate Judge Davis informs the parties that they must file any objections to the R&R within fourteen days. (*Id.*) No objections have been filed.

This Court has carefully reviewed the R&R and concurs in Magistrate Judge Davis' recommendations.

Accordingly,

IT IS ORDERED that Magistrate Judge Davis' March 31, 2019 R&R is adopted and the Court is **DISMISSING WITH PREJUDICE** Plaintiff's Complaint against Defendants Sweeny and Pulaski pursuant to Federal Rule of Civil Procedure 41(b);

IT IS FURTHER ORDERED that the motion for summary judgment (ECF No. 15) is **TERMINATED AS MOOT**.

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

Dated: May 7, 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, May 7, 2019, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager