

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID MARSH,

Plaintiff,

v.

RICKEY COLEMAN et al.,
Defendants.

Case No. 21-12476

Honorable Shalina D. Kumar

Magistrate Judge David R. Grand

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 39)
AND DENYING DEFENDANT COLEMAN'S MOTION FOR SUMMARY
JUDGMENT (ECF NO. 29)**

Pro se plaintiff David Marsh ("Marsh"), an incarcerated person, brings this civil rights action pursuant to 42 U.S.C. § 1983, against defendants Rickey Coleman, D.O., and Susan McCauley based on their alleged failure to provide him adequate medical treatment during his incarceration at the Saginaw Correctional Facility (SRF), in violation of the Eighth and Fourteenth Amendment. ECF No. 1. The case was referred to the magistrate judge for all pretrial matters pursuant to 28 U.S.C. § 636(b). ECF No. 16.

On May 13, 2022, defendant Coleman filed a Motion for Summary Judgment Based Solely on the Failure to Exhaust Administrative

Remedies. ECF No. 29. Marsh filed a response to this motion on May 20, 2022, and Coleman filed a reply on June 9, 2022. ECF Nos. 33, 34.

On October 31, 2022, the magistrate judge issued a Report and Recommendation (R&R). ECF No. 39. The R&R recommends that the Court **DENY** Coleman's motion for summary judgment. *Id.*

No party has filed an objection to the R&R. The failure to object to conclusions in the magistrate judge's report releases the Court from its duty to independently review those issues. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

The Court has reviewed the record and **ADOPTS** the R&R as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that Coleman's motion for summary judgment (ECF No. 29) is **DENIED**.

Dated: November 23, 2022

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge