

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRIAN VINK,

Plaintiff,

v.

JORDAN BLOCK et al.,

Defendants.

Case No. 21-cv-12801

Honorable Shalina D. Kumar

Magistrate Judge Patricia T. Morris

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**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 25) AND GRANTING DEFENDANTS' MOTION TO DISMISS (ECF NO. 21)**

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Brian Vink, a now-paroled former Michigan Department of Corrections (MDOC) prisoner, filed a *pro se* complaint under 42 U.S.C. § 1983 alleging violations of his Eighth Amendment rights while he was incarcerated. ECF No. 1. This case was referred to the magistrate judge for all pretrial matters pursuant to 28 U.S.C. § 636(b). ECF No. 8. Defendants filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), Vink filed a response, and defendants filed a reply. ECF No. 21, 23, 24.

On October 11, 2022, the assigned magistrate judge issued a Report and Recommendation (R&R). ECF No. 25. The R&R recommends that the Court grant defendants' motion to dismiss for failure to state a claim upon

which relief may be granted and dismiss Vink's complaint. *Id.* No party has filed objections to the R&R.

The Court has reviewed the record and **ADOPTS** the R&R relative to defendants' motion to dismiss as the findings and conclusions of the Court.

Accordingly,

**IT IS ORDERED** that defendants' motion to dismiss (ECF No. 21) is **GRANTED** and Vink's complaint (ECF No. 1) is **DISMISSED**.

Dated: November 21, 2022

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