

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANKLIN SMITH, DEVIN PLUMMER,
BRANDON PANNELL, and CLIFFORD
COLLINS, JR., as next friend of
CLIFFORD COLLINS III,

Plaintiffs,

v.

JEFF PATTERSON, *et al.*,

Defendants.

Case Nos. 07-14034
08-11019
08-11022
08-13280

Hon. John Corbett O'Meara

**ORDER GRANTING DEFENDANTS'
MOTION FOR CLARIFICATION**

Before the court is Defendants' motion for clarification of this court's February 1, 2010 order granting in part and denying in party Defendants' motion for summary judgment.

Defendants note that the order did not specifically address the claims against Michael Lividini, Kenneth May, and John MacDonald. Plaintiffs claimed that these defendants had a duty to intervene to prevent Steven Schwein from violating Plaintiff Devin Plummer's constitutional rights. See Pls.' Resp. at 17-18 (docket # 53). The court ruled that Plummer could not sustain his constitutional claims. By implication, therefore, the claims against Lividini, May, and MacDonald also must fail. There is no allegation that Lividini, May, or MacDonald had personal involvement in the remaining claims by Plaintiffs Clifford Collins III and Brandon Pannell.

Therefore, IT IS HEREBY ORDERED that Defendants' motion for clarification is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' claims against Defendants Lividini, May, and MacDonald are DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: February 12, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 12, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager