

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Nathaniel K. Owusu (aka  
Nathaniel Porter),

Plaintiff,

v.

Michigan Department of  
Corrections Pain Management  
Committee *et al*,

Defendants.

Case No. 16-cv-12490

Judith E. Levy  
United States District Judge

Mag. Judge Mona K. Majzoub

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**ORDER ADOPTING REPORT AND  
RECOMMENDATION [157]**

Before the Court is Magistrate Judge Majzoub's Report and Recommendation (Dkt. 157) recommending the Court: (1) deny the Michigan Department of Corrections Pain Management Committee, William C. Borgerding, Gary R. Kerstein, Terry Byrne, Theresa Merling, and Michael Brown's (collectively, the "MDOC defendants") motion for summary judgment on the basis of exhaustion only (Dkt. 125); and (2) grant MDOC defendants' motion for enlargement of time in which to comply with court's scheduling order (Dkt. 142). The parties were

required to file specific written objections within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. The Court has nevertheless carefully reviewed the Report and Recommendation, and concurs in the reasoning and result. Accordingly,

The Report and Recommendation (Dkt. 157) is ADOPTED;

MDOC defendants' motion for summary judgment as to exhaustion only (Dkt. 125) is DENIED; and

MDOC defendants' motion for enlargement of time (Dkt. 142) is GRANTED. The MDOC defendants are ordered to submit a proposed scheduling order for the Court's consideration within which to conduct additional discovery regarding plaintiff's claims against defendants Merling and/or Brown and to file a dispositive motion.

IT IS SO ORDERED.

Dated: November 20, 2018  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 20, 2018.

s/Shawna Burns \_\_\_\_\_  
SHAWNA BURNS  
Case Manager