

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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TERRY D. EAGLE,

Plaintiff,

Case No. 1:10-cv-212

v.

HON. JANET T. NEFF

PATRICK D. CANNON et al.,

Defendants.

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**ORDER APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed February 22, 2011, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that Defendants Cannon, Pilarski, Zanger, Hull and Heibeck's Motion to Dismiss (Dkt. 16) is **GRANTED**; Plaintiff's claims against Defendant Kosch be dismissed without prejudice for failure to timely effect service; and Plaintiff's action is **DISMISSED** for the reasons stated in the Report and Recommendation.

Dated: March 16, 2011

/s/Janet T. Neff  
JANET T. NEFF  
UNITED STATES DISTRICT JUDGE