

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDALL MODD,

Plaintiff,

CASE NO. 1:10-cv-337

v.

HON. ROBERT HOLMES BELL

CITY OF OTTAWA, et al.,

Defendants.

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ORDER

In accordance with the opinion entered this date,

IT IS HEREBY ORDERED that Defendant Ottawa County's and Defendant Rosema's Objection (Dkt. No. 28) is **OVERRULED**.

IT IS FURTHER ORDERED that Defendant Secure Care, Inc.'s, Defendant Blanco's, and Defendant Garvey's Objection (Dkt. No. 29) is sustained in part and overruled in part. The Objection is **SUSTAINED** only to the extent that it argues that no previous motions to dismiss have been filed on behalf of Defendant Secure Care, Inc., Defendant Blanco, or Defendant Garvey, and it is **OVERRULED** in every other respect.

IT IS FURTHER ORDERED that Magistrate Judge Scoville's August 4, 2010, Report and Recommendation is **APPROVED and ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Defendant Ottawa County's and Defendant Rosema's Motion to Dismiss (Dkt. No. 7) is granted in part and denied in part. It is

GRANTED only to the extent that it seeks to dismiss Defendant Gary A. Rosema in his individual capacity. With respect to all other claims and parties, the motion is **DENIED**.

IT IS FURTHER ORDERED that Defendant Secure Care, Inc.'s Motion to Dismiss, as raised in its Objections (Dkt. No. 29 is **DENIED**.

IT IS FURTHER ORDERED that the Amended Complaint is **DISMISSED** as against Defendant Gary A. Rosema in his individual capacity.

Dated: February 23, 2011

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE