

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TROY L. JONES,

Plaintiff,

Case No. 1:10CV613

v.

Hon. Robert J. Jonker

DEBORAH MARCULES, et al.,

Defendant.

**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 on February 8, 2012. 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 8, 2012, is approved and adopted as the opinion of the court.

**IT IS ORDERED** that defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) (docket #31) is **DENIED**.

**IT IS ORDERED** that defendant's motion for summary judgment pursuant to Federal Rule of Civil Procedure 56(c) (docket #31) is **GRANTED**.

**IT IS ORDERED** that plaintiff's motion for leave to file an amended complaint (docket #15), motion to compel (docket #27) and cross-motion for summary judgment (docket #45) is **DENIED**.

**IT IS FURTHER ORDERED** this action is **DISMISSED**.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE

DATED: March 1, 2012.