

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

THOMAS HULL,

Plaintiff,

Case No. 1:11-cv-623

v.

Honorable Paul L. Maloney

UNKNOWN BAKER et al.,

Defendants.

**ORDER FOR PARTIAL DISMISSAL
and PARTIAL SERVICE**

In accordance with the Opinion filed this date:

IT IS ORDERED that Plaintiff’s action against Defendants Berghuis, Chaffee, Armstrong and Unknown Party (named as “John Doe”), be DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that Plaintiff’s claims that Defendants (1) violated his right to due process under the Fourteenth Amendment, (2) violated his right to equal protection under the Fourteenth Amendment and 42 U.S.C. §§ 1985, 1986, (3) violated his right to redress and right of access to the Courts under the First Amendment, (4) engaged in a conspiracy to violate his rights, and (5) retaliated against Plaintiff by placing him on modified grievance access, denying his grievances and/or transferring him to another prison, be DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c). The Court does not dismiss Plaintiff’s claim that Defendants Baker, Lewis

and Minnerick deprived Plaintiff of property, or threatened to do so, in retaliation for Plaintiff's protected conduct.

IT IS FURTHER ORDERED that in accordance with Administrative Order No. 03-029, the Clerk shall return to Plaintiff with a copy of this order one copy of the complaint and any exhibits.

IT IS FURTHER ORDERED that immediately upon receipt of this order, Plaintiff shall request that the prison make three copies of the complaint and exhibits for service upon Defendants Baker, Lewis and Minnerick. Plaintiff is responsible for the cost of the copies. If Plaintiff does not have sufficient funds to pay for the copies, the Michigan Department of Corrections provides loans for legal copies. *See* MICH. DEP'T. OF CORR., Policy Directive 05.03.116.

IT IS FURTHER ORDERED that within fourteen (14) days of this order, Plaintiff shall file with the Court the requisite number of copies of the complaint and exhibits along with a copy of this order OR an affidavit explaining why Plaintiff is unable to provide the requested copies within the fourteen-day period. Should the Court find that the prison failed to make copies upon Plaintiff's request, the Court will direct the Clerk to make such copies as may be necessary and to charge the Michigan Department of Corrections for the cost of copying at the Court's usual rate of \$.50 per page.

IT IS FURTHER ORDERED that Plaintiff's failure to submit the requested copies within the time provided by the Court or an affidavit explaining why Plaintiff is unable to provide the requested copies may result in the dismissal of his action without prejudice by the Court.

IT IS FURTHER ORDERED that upon receipt of the copies required by this order, the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to mail a

request for waiver of service to Defendants in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that Defendants shall reply to the complaint by way of answer, motion to dismiss, or motion for summary judgment within the time allowed by law. *See* 42 U.S.C. § 1997e(g)(2).

Dated: November 4, 2011

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge