

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GERALD NELSON,

Plaintiff,

Case No. 1:12-cv-694

v.

HON. JANET T. NEFF

BRADLEY BALK, et al.,

Defendants.

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**ORDER APPROVING REPORT AND RECOMMENDATION**

This is a civil rights action purportedly filed pursuant to 42 U.S.C. § 1983. Defendants filed a Motion for Summary Judgment (Dkt 13). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on July 8, 2013, recommending that Defendants' motion be granted and this matter be terminated. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (Dkt 17) is APPROVED and ADOPTED as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment (Dkt 13) is GRANTED and this matter is TERMINATED for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that upon review of Plaintiff's claims, this Court can discern no good-faith basis for an appeal and so certifies in accordance with *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6<sup>th</sup> Cir. 1997).

**IT IS FURTHER ORDERED** that should Plaintiff appeal this decision, the Court will access the \$455 appellate filing fee pursuant to § 1915(b)(1), *see McGore*, 114 F.3d at 610-11, unless Plaintiff is barred from proceeding *in forma pauperis*, e.g., by the “three-strikes” rule of § 1915(g). If he is barred, he will be required to pay the \$455 appellate filing fee in one lump sum.

Dated: July 30, 2013

/s/Janet T. Neff  
JANET T. NEFF  
United States District Judge