

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

THOMAS A. SIMON, #257686,

Plaintiff,

File No: 1:12-CV-1184

v.

HON. ROBERT HOLMES BELL

PATRICK TRIERWEILER, et al.,

Defendants.

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**ORDER APPROVING AND ADOPTING  
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

On February 24, 2014, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s claims for damages against Defendants in their official capacities be dismissed with prejudice because they are barred by Eleventh Amendment immunity; that Plaintiff’s claims against Defendants Trierweiler and Warr be dismissed pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B) for failure to state a claim on which relief can be granted; that Defendants’ motions for summary judgment (Dkt. Nos. 15, 26) be granted; and that all of Plaintiff’s claims for injunctive relief be dismissed pursuant to 42 U.S.C. § 1997e(a). (Dkt. No. 28, R&R.) The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so has expired. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

**IT IS HEREBY ORDERED** that the February 24, 2014 R&R (Dkt. No. 28) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's claims for damages against Defendants in their official capacities is **DISMISSED WITH PREJUDICE** because they are barred by Eleventh Amendment immunity.

**IT IS FURTHER ORDERED** that Plaintiff's claims against Defendants Trierweiler and Warr are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim on which relief can be granted.

**IT IS FURTHER ORDERED** that Defendants' motions for summary judgment (Dkt. Nos. 15, 26) are **GRANTED**.

**IT IS FURTHER ORDERED** that all of Plaintiff's claims for injunctive relief against Defendants are **DISMISSED** pursuant to 42 U.S.C. § 1997e(a).

Dated: March 17, 2014

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