

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

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HOWARD JACK-BEY, JR.,

Plaintiff,

Case No. 1:13cv131

v.

Hon. Robert J. Jonker

MICHIGAN DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

**ORDER**

**APPROVING AND ADOPTING 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 12, 2014. 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 12, 2014, is approved and adopted as the opinion of the court.

I       **IT IS ORDERED** that the motions to dismiss filed by defendants MDOC, Heyns, Finco, Martin and Tompkins (docket no. 26) and defendants Howes and Wolfe (docket no. 31) are **DENIED**.

**IT IS ORDERED** that the motion for summary judgment filed by defendants MDOC, Heyns, Finco, Martin and Tompkins (docket no. 26) is **DENIED**.

**IT IS FURTHER ORDERED** that the motion for summary judgment filed defendant Howes and Wolfe (docket no. 31) is **GRANTED** as to defendant Wolfe as to all of plaintiff's claims and **DENIED** as to defendant Howes.

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/s/Robert J. Jonker

ROBERT J. JONKER

UNITED STATES DISTRICT JUDGE

Dated: March 26, 2014