

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

LONNY DEAN BRADSHAW,

Plaintiff,

Case No. 1:16-CV-734

v.

HON. GORDON J. QUIST

UNKNOWN SAGE, et al.,

Defendants.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

On May 19, 2017, Magistrate Judge Ray Kent issued a Report and Recommendation (R & R) recommending that the Court grant Defendants' motion to dismiss based on Plaintiff's failure to exhaust his administrative remedies. In particular, the magistrate judge concluded that Plaintiff failed to properly exhaust his claims, as required by *Jones v. Bock*, 549 U.S. 199, 127 S. Ct. 910 (2007), because Plaintiff's grievance included multiple issues, in violation of PD 03.02.130 ¶ G. (R & R at 5–6.

Pursuant to 28 U.S.C. § 636(b), upon receiving objections to a report and recommendation, the district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." After conducting a *de novo* review of the R & R, Plaintiff's Objections, and the pertinent portions of the record, the Court concludes that the R & R should be adopted and Defendants' motion granted.

Initially, the Court notes that, in his Objection, Plaintiff focuses more on Defendants' brief than on the R & R. (*See* ECF No. 32 at PageID.172.) Pursuant to Federal Rule of Civil Procedure 72(b)(2), an objecting party must file "specific written objections *to the proposed findings and recommendations.*" (*Italics added.*) Plaintiff does not specifically refer to the R & R, although he

does offer several reasons why his claims should be considered exhausted. None of Plaintiff's arguments—that he appealed his grievance to all three steps, that he properly and fully completed the grievance form, or that Defendants could have obtained more information about Plaintiff's claims through their investigation in the grievance process—directly responds to the R & R's conclusion that Plaintiff failed to properly exhaust his claims pursuant to the MDOC's grievance procedure because he included multiple unrelated issues in his Step I grievance. Accordingly, Plaintiff fails to persuade the Court that it should reject the R & R.

Therefore,

IT IS HEREBY ORDERED that the May 19, 2017, Report and Recommendation (ECF No. 30) is **APPROVED AND ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (ECF No. 21) is **GRANTED**

A separate judgment will enter.

This case is concluded.

Dated: July 19, 2017

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE