

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BOBBY DERRICK GAMBLE,

Plaintiff,

v.

MUSKEGON COUNTY SHERIFF'S  
DEPARTMENT, et al.,

Defendants.

---

Case No. 1:16-cv-1118

HONORABLE PAUL L. MALONEY

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant David Lopez filed a motion for summary judgment (ECF No. 31). Defendants Muskegon County Sheriff's Department, Sheriff Dean Roseler, Lt. Mark Burns, Sgt. Todd Gilchrest, Sgt. Chris Griswold, Sgt. Matt Smith, and Sgt. Gregory Wood also filed a motion for summary judgment (ECF No. 33). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on September 18, 2017, recommending that this Court grant the motions and dismiss the claims against the John Doe defendants for failure to timely effect service. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 41) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (ECF No. 31) is GRANTED.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (ECF No. 33) is GRANTED.

**IT IS FURTHER ORDERED** that the Motion to Compel Discovery (ECF No. 35) and the Motion for Summary Judgment (ECF No. 37) both filed by Defendant Lopez are DISMISSED AS MOOT.

**IT IS FURTHER ORDERED** that the claims against all defendants are DISMISSED WITHOUT PREJUDICE.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: October 19, 2017

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