UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM KITCHEN, III,

Plaintiff,

v.

DAVE LEACH, et al.,

Defendants.
_____/

Case No. 1:17-cv-371

HON. JANET T. NEFF

OPINION AND ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant Patricia Willard filed a motion for summary judgment, arguing that Plaintiff failed to exhaust administrative remedies (ECF No. 17). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending Defendant Willard's motion for summary judgment be granted (ECF No. 33). The matter is presently before the Court on Plaintiff's objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objection have been made. The Court denies the objection and issues this Opinion and Order.

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), a party objecting to the magistrate's proposed findings must specifically identify the portions of the recommendation to which objections are made and the basis for such objections. *See also* W.D. Mich. LCivR 72.3(b). Here, Plaintiff fails to make an objection demonstrating any factual or legal error in the

Magistrate Judge's analysis or conclusion, relying instead on "the court's discretion in the matter of Defendant Patricia Willard" (Pl. Obj., ECF No. 35 at PageID.195).

Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. Because this action was filed *in forma pauperis*, 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 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Therefore:

IT IS HEREBY ORDERED that the Objection (ECF No. 35) is DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 33) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendant Willard's Motion for Summary Judgment (ECF No. 17) is GRANTED.

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.

Dated: January 10, 2018

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