

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONY CAROUTHERS,

Plaintiff,

Case No. 1:21-cv-758

v.

Hon. Hala Y. Jarbou

KALAMAZOO COUNTY JAIL, et al.,

Defendants.

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ORDER

On October 26, 2022, Magistrate Judge Phillip J. Green issued a Report and Recommendation (R&R) recommending that Defendants' Motion for Summary Judgment (ECF No. 29) be granted in part and denied in part (R&R, ECF No. 34). The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so expired on November 9, 2022. On review, the Court concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Accordingly,

IT IS ORDERED that the R&R (ECF No. 34) is **APPROVED** and **ADOPTED** as the opinion of the Court, except as to its conclusion that an appeal would be frivolous.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment (ECF No. 29) is **GRANTED IN PART** and **DENIED IN PART**.

IT IS FURTHER ORDERED that Plaintiff's Eighth Amendment claims against Defendants Fuller, Downey, Herrick, Doorlag, Shriner, and Quinley are **DISMISSED** because Defendants are immune from a suit for damages in their official capacities.

IT IS FURTHER ORDERED that Plaintiff's Eighth Amendment claim of failure to train against Defendant Kalamazoo County is **DISMISSED** for failure to state a claim.

IT IS FURTHER ORDERED that Plaintiff's state law claims are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Court declines to certify that an appeal would not be in good faith.

A judgment will issue in accordance with this order.

Dated: November 19, 2022

/s/ Hala Y. Jarbou
HALA Y. JARBOU
CHIEF UNITED STATES DISTRICT JUDGE