

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARCUS HOWELL,

Plaintiff,

v.

UNKNOWN LEAVITT, et al.,

Defendants.

Case No. 1:22-cv-243

HON. JANE M. BECKERING

**ORDER**

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Defendants Palmer, Rosales, and Fosburg filed a Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 27). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 33) on January 5, 2024, recommending that this Court grant the motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 33) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants Palmer, Rosales, and Fosburg's Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 27) is GRANTED. Defendants Michaellee Palmer (named as "Unknown Palmer"), Israel Rosales (named as "Unknown Rosales"), and Roxanne Fosburg (named as "Unknown Fosenburg") are terminated from this action.

Dated: February 5, 2024

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge