

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN JAMERSON #185490,

Plaintiff,

v.

M. WILKINSON, et al.,

Defendants.

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Case No. 1:22-cv-529

HONORABLE PAUL L. MALONEY

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants West, Wilkinson, and Wilson filed a motion for summary judgment. Defendants Hoover and Tomaszczyk also filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on October 23, 2024, recommending that this Court grant Hoover and Tomaszczyk's motion and grant West, Wilkinson, and Wilson's motion in part. 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. 37) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants Hoover and Tomaszczyk's Motion for Summary Judgment (ECF No. 31) is GRANTED.

**IT IS FURTHER ORDERED** that Plaintiff's claims against Defendants Hoover and Tomaszczyk are DISMISSED WITHOUT PREJUDICE.

**IT IS FURTHER ORDERED** that Defendants West, Wilkinson, and Wilson’s motion for summary judgment (ECF No. 23) is GRANTED IN PART AND DENIED IN PART.

**IT IS FURTHER ORDERED** that Plaintiff’s claims against Defendants West, Wilkinson, and Wilson are DISMISSED WITHOUT PREJUDICE, except for the Eighth Amendment claims that on February 12, 2021, Defendants Wilson and Wilkinson disregarded his ground floor accommodation and instead placed him in an upstairs cell.

Dated: January 27, 2025

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