

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN THOMAS, JR., #571060

Plaintiff,

v.

ALEXANDER RAY FOX, et al.,

Defendants.

Case No. 1:22-cv-1038

Hon. Robert J. Jonker

ORDER APPROVING AND ADOPTING REPORT AND RECOMMENDATION

In July 2022, a jury in Kent County, Michigan acquitted Plaintiff Kevin Thomas, Jr. of unlawful delivery a controlled substance causing death and the lesser-included offense of unlawful delivery of a controlled substance. In this § 1983 malicious prosecution action, Thomas contends that Defendant Alexander Ray Fox—a detective with the Kent County Sheriff’s Department—falsified information throughout the State criminal case. Thomas and Fox both move for summary judgment. (ECF Nos. 39, 41). On May 15, 2024, Magistrate Judge Berens filed a Report and Recommendation recommending that the Court grant Fox’s motion for summary judgment and deny Thomas’s motion for summary judgment. (ECF No. 51). The Court has carefully reviewed Judge Berens’s thorough Report and Recommendation, which was duly served on the parties. No objections have been filed under 28 U.S.C. § 636(b)(1)(C).

ACCORDINGLY, IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge, (ECF No. 51), is **APPROVED AND ADOPTED** as the opinion of the Court. Defendant Fox’s

Motion for Summary Judgment, (ECF No. 41), is **GRANTED**, and Plaintiff Thomas's Motion for Summary Judgment, (ECF No. 39), is **DENIED**.

2. Plaintiff's claim against Defendant Fox is **DISMISSED WITH PREJUDICE**.
3. For the same reasons that the Court dismisses this action, the Court discerns no good-faith basis for an appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).
4. This matter is **TERMINATED**.

IT IS SO ORDERED.

Dated: June 4, 2024

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE