

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT LEE COOK,

Plaintiff,

v.

DAVID E GILBERT, et al.,

Defendants.

Case No. 1:23-cv-889

HONORABLE PAUL L. MALONEY

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff initiated this lawsuit by filing a complaint on August 21, 2023. Defendants filed a motion to dismiss and Plaintiff filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on June 11, 2024, recommending that this Court grant Defendants' motion, deny Plaintiff's motion, and enter judgment. 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. 12) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (ECF No. 9) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 11) is DENIED.

IT IS FURTHER ORDERED for the same reasons the Court concludes that Plaintiff's claims are properly dismissed, the Court also concludes that any issue Plaintiff might raise on appeal would be frivolous. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). Accordingly, the Court certifies that an appeal would not be taken in good faith.

A Judgment will be entered consistent with this Order.

Dated: July 8, 2024

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