

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

PERNIS JOHNSON,

Plaintiff,

v.

Case No. 2:04-cv-199
HON. R. ALLAN EDGAR

BARBARA BOUCHARD, et al.,

Defendants.

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OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S

REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on August 29, 2008. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff has presented an issue which is grievable according to MDOC policy. Despite plaintiff's contentions otherwise, plaintiff should have grieved his conditions of confinement claims. Plaintiff clearly failed to exhaust his grievance remedies.

Moreover, plaintiff's Eighth Amendment claims lack merit. Plaintiff has failed to show that defendants acted with deliberate indifference or that plaintiff was subjected to unconstitutional conditions of confinement. Plaintiff's objections lack merit.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #89) is approved and adopted as the opinion of the Court.

Dated: 9/26/08

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE