

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

DAVID J. SCOTT,

Plaintiff,

v.

Case No. 5:02-cv-177

HON. R. ALLAN EDGAR

JOHN LANG, et al.,

Defendants.

DAVID J. SCOTT,

Plaintiff,

v.

Case No. 2:06-cv-103

GEORGE BABIK, et al.,

Defendants.

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. The Report and Recommendation was duly served on the parties. The Court has received objections from defendant Bennett. 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.

Defendant's arguments regarding exhaustion are without merit in light of the Supreme Court's recent decision in *Jones v. Bock*, 2007 WL 135890 (U.S., Jan. 22, 2007).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that defendant Bennett's motion to dismiss (Docket #237) is GRANTED in part and defendant Bennett only is DISMISSED from this action.

Dated: 3/20/07

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