

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

JUNELL MOBLEY,

Plaintiff,

v.

Case No. 2:07-cv-227
HON. R. ALLAN EDGAR

DENISE GERTH, et. al.,

Defendants.

MEMORANDUM AND ORDER

____ Plaintiff Junell Mobley, a Michigan state prisoner in the custody of the Michigan Department of Corrections, brings this *pro se* civil rights action under 42 U.S.C. § 1983. On February 12, 2009, Magistrate Judge Timothy P. Greeley submitted his report and recommendation [Doc. No. 44] pursuant to 28 U.S.C. § 636(b)(1)(B) and W.D. Mich. LCivR 72.1(c). It is recommended that the defendants' motions for summary judgment [Doc. Nos. 27, 40] be granted pursuant to Fed. R. Civ. P. 56, and that the plaintiff's entire complaint be dismissed with prejudice. Plaintiff Mobley has not timely filed any objections to the report and recommendation.

After reviewing the record, the Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b), and W.D. Mich. LCivR 72.3(b). Accordingly, the defendants' motions for summary judgment [Doc. Nos. 27, 40] are **GRANTED** pursuant to Fed. R. Civ. P. 56. Plaintiff Mobley's entire complaint shall be

DISMISSED WITH PREJUDICE as to all claims against all of the defendants.

For the same reasons that the Court dismisses this action as discussed in the report and recommendation, the Court will certify that there is no good faith basis for plaintiff Mobley to take an appeal from this decision. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(4)(B); *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

A separate judgment will enter.

SO ORDERED.

Date: March 6, 2009.

/s/ R. Allan Edgar

R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE