

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

RONALD MARK DRAUGHN, a/k/a
KHALIL MALIK SHABAZZ,

Plaintiff,

File No. 2:08-CV-32

v.

HON. ROBERT HOLMES BELL

PATRICIA CARUSO, et al.,

Defendants.

_____ /

**ORDER ADOPTING IN PART AND REJECTING IN PART
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

In accordance with the opinion entered this date,

IT IS HEREBY ORDERED that Plaintiff’s objections to the Report and Recommendation of the Magistrate Judge (Dkt. No. 19) are **GRANTED IN PART and DENIED IN PART**. To the extent Plaintiff objects to dismissal of his First Amendment retaliation and equal protection claims, his objections are granted. To the extent Plaintiff objects to dismissal of his Ex Post Facto Clause and due process claims, his objections are denied.

IT IS FURTHER ORDERED that the Report and Recommendation of the Magistrate Judge is **ADOPTED IN PART and REJECTED IN PART** as explained in the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Ex Post Facto Clause and due process claims are **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that in accordance with Administrative Order No. 03-029, the Clerk shall return to Plaintiff with a copy of this order one copy of the complaint and any exhibits.

IT IS FURTHER ORDERED that immediately upon receipt of this order, Plaintiff shall request that the prison make seven (7) copies of the complaint and exhibits for service upon Defendants Patricia Caruso, Dennis Straub, Kenneth Maceachern, James MacMeekin, Christopher Chrysler, David Bergh, and Lloyd Rapelje. Plaintiff is responsible for the cost of the copies. If Plaintiff does not have sufficient funds to pay for the copies, the Michigan Department of Corrections provides loans for legal copies. See Mich. Dep't. of Corr., Policy Directive 05.03.116.

IT IS FURTHER ORDERED that within fifteen business days of this order, Plaintiff shall file with the Court the requisite number of copies of the complaint and exhibits along with a copy of this order OR an affidavit explaining why Plaintiff is unable to provide the requested copies within the fifteen-day period. Should the Court find that the prison failed to make copies upon Plaintiff's request, the Court will direct the Clerk to make such copies as may be necessary and to charge the Michigan Department of Corrections for the cost of copying at the Court's usual rate of \$.50 per page.

IT IS FURTHER ORDERED that Plaintiff's failure to submit the requested copies within the time provided by the Court or affidavit explaining why Plaintiff is unable to provide the requested copies may result in the dismissal of his action without prejudice by the Court.

IT IS FURTHER ORDERED that upon receipt of the copies required by this order, the Clerk shall arrange for service of summons and complaint, along with a copy of this order, upon Defendants.

IT IS FURTHER ORDERED that Defendants shall reply to the complaint by way of answer, motion to dismiss, or motion for summary judgment within the time allowed by law. See 42 U.S.C. § 1997e(g)(1).

Dated: March 27, 2009

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE