

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

JERALD OSCAR WICKS,

Plaintiff,

FILE NO. 2:08-CV-77

v.

HON. ROBERT HOLMES BELL

JOHN RUBITSCHUN et al.,

Defendants.

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**JUDGMENT**

In accordance with the Opinion entered this date,

**IT IS ORDERED** that Plaintiff's objections (docket ##13, 14) to the Report and Recommendation of the Magistrate Judge are **GRANTED** and the Report and Recommendation of the Magistrate Judge is **REJECTED IN PART AND ACCEPTED IN PART**.

**IT IS FURTHER ORDERED** that Plaintiff's claims against Defendants McQueary and Krick are **DISMISSED WITH PREJUDICE** and judgment is hereby entered against Plaintiff and in favor of Defendants McQueary and Krick.

**IT IS FURTHER ORDERED** that Plaintiff's claims for monetary relief against Defendants Rubitschun, Quinlan, Braddock, DeBoer and Hardman are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that Plaintiff's claims for declaratory relief against Defendants Rubitschun, Quinlan, Braddock, DeBoer and Hardman are **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that the Court finds a good-faith basis for appeal exists within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

Dated: July 6, 2009

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