

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

ROBERT LEE DRAIN #235684,

Plaintiff,

File no: 2:09-CV-165

v.

HON. ROBERT HOLMES BELL

ROBIN McCARTHY, et al.,

Defendants.

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**ORDER APPROVING MAGISTRATE'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. No objections have been filed. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

ACCORDINGLY, the Report and Recommendation (docket #45) is hereby approved and adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that: Defendants' motion for summary judgment (Docket #35) is hereby **GRANTED** and this case is dismissed in its entirety.

IT IS FURTHER ORDERED that Plaintiff's motion to compel discovery (Docket #40) is **DENIED**.

IT IS FURTHER ORDERED that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. §1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6<sup>th</sup> Cir. 1997).

Date: February 9, 2011

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