

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

MARCUS TAYLOR

Plaintiff,

Case No. 2:12-cv-229

v.

Honorable R. Allan Edgar

DAVID TENNYSON, et al.,

Defendants.

MEMORANDUM AND ORDER

On August 2, 2013, U.S. Magistrate Judge Timothy P. Greeley entered a Report and Recommendation (“R&R”) in this case, in which he recommended that Defendants’ motions for summary judgment be granted and this case be dismissed without prejudice. Doc. No. 46. Magistrate Judge Greeley further recommended that Plaintiff’s pending motions be denied. Magistrate Judge Greeley found that Plaintiff had failed to exhaust his administrative remedies on the remaining claims in this case.

Plaintiff has filed two objections to the R&R. Doc. No. 47, 48. This Court is required to make a de novo determination of those portions of the R&R to which objections have been filed, and may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a).

In his objections, Plaintiff asserts that he did exhaust his administrative remedies with regard to his claim against Defendant Tennyson. The Court finds agrees with Magistrate Judge Greeley’s analysis and rejection of Plaintiff’s argument. Plaintiff’s objections [Doc.

No. 47, 48] are without merit and are DENIED. Magistrate Judge Greeley's R&R [Doc. No. 46] is APPROVED and ADOPTED as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. L. Civ. R. 72.3(b). Defendants' motions for summary judgment [Doc. No. 14, 24] are GRANTED. Plaintiff's case is DISMISSED WITHOUT PREJUDICE in its entirety. Plaintiff's motion to stay summary judgment [Doc. No. 29]; motion for discovery [Doc. No. 36] and motion for order to modify filing fees [Doc. No. 44] are DENIED. A Judgment consistent with this Memorandum and Order will be entered.

SO ORDERED.

Dated: 9/19/2013

/s/ R. Allan Edgar
R. Allan Edgar
United States District Judge