

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

KENNETH COLVIN,

Plaintiff,

v.

R. PEDERSON,

Defendant.

File No. 2:13-CV-219

HON. ROBERT HOLMES BELL

**MEMORANDUM OPINION AND ORDER  
ADOPTING REPORT AND RECOMMENDATION**

On February 11, 2015, Magistrate Judge Timothy P. Greeley issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s motion for summary judgment be denied. (ECF No. 44.) This matter is before the Court on Plaintiff’s objections to the R&R (ECF No. 46).

This Court makes a *de novo* determination of those portions of an R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). “[A] general objection to a magistrate’s report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). The Court may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. *Id.*

Plaintiff objects that the security video of the incident at issue would contradict

Defendant's version of events and support Plaintiff's motion for summary judgment. Plaintiff also objects that the Magistrate Judge did not explicitly state what evidence created a genuine issue of material fact.

Plaintiff has set forth a First Amendment retaliation claim that Defendant filed a misconduct ticket because Plaintiff had filed a grievance about his Kosher meal tray. The security video captures the events at issue in the misconduct ticket. Even accepting Plaintiff's version of events and the security video, this Court finds that Defendant has raised a genuine issue of material fact in his affidavit by stating that he did not retaliate on account of Plaintiff's grievance. Defendant has stated that he would have filed the misconduct ticket regardless of whether Plaintiff filed a grievance. Thus, summary judgment is inappropriate.

The Court also notes that Defendant was ordered on April 17, 2014, to have a copy of the video recording available for any future trial in this matter. (ECF No. 26.)

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's objections (ECF No. 46) are **DENIED**.

**IT IS FURTHER ORDERED** that the Magistrate Judge's February 11, 2015, R&R (ECF No. 44) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's motion for summary judgment (ECF No. 25) is **DENIED**.

Dated: March 3, 2015

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