

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

CHARLES FIELDS,

Plaintiff,

v.

DAN LESATZ, *et al.*,

Defendants.

Case No. 2:14-CV-67

HON. GORDON J. QUIST

ORDER ADOPTING REPORT AND RECOMMENDATION

On July 9, 2015, Magistrate Judge Timothy P. Greeley issued a Report and Recommendation (R & R) recommending that the Court deny Defendants' motion for summary judgment. Both parties have filed objections to the R & R, which the Court has reviewed de novo. For the reasons that follow, the Court will overrule the objections and adopt the R & R.

Defendants' Objections

The magistrate judge concluded that Defendants failed to satisfy their burden of demonstrating that Plaintiff failed to exhaust his administrative remedies because they failed to explain which claims were unexhausted. Rather, the magistrate judge explained, Defendants simply acknowledged that some claims were exhausted and glossed over their argument as to which allegations were unexhausted. Defendants have objected to the magistrate judge's conclusion, arguing that they sufficiently demonstrated that Plaintiff failed to exhaust the majority of his claims.

Having reviewed Defendants' brief in support of their motion for summary judgment, as well as their objections, the Court cannot decipher which claims Defendants believe are unexhausted. For instance, in their objections, Defendants describe Plaintiff's claim that he told Defendant

