

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

MARCUS KELLEY,

Plaintiff,

Case No. 2:14-CV-117

v.

HON. GORDON J. QUIST

KIMBERLY ATKINSON, et al.,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

On January 20, 2017, Magistrate Judge Greeley issued a Report and Recommendation (R & R) recommending that the Court grant Defendant Lewis's motion for summary judgment based on Plaintiff's failure to exhaust his administrative grievance remedies against Defendant Lewis. Magistrate Judge Greeley found that Defendant Lewis merely responded to Plaintiff's Step I grievance, and Plaintiff failed to submit a grievance against Lewis complaining that she was a part of a conspiracy to cover up the actions of Kimberly Atkinson. The R & R was served on Plaintiff on January 20, 2017.

Plaintiff has not filed an Objection pursuant to 28 U.S.C. § 636(b). However, on January 23, 2017, Plaintiff filed a document titled "Plaintiff's Response to Defendant Lewis's Motion for Summary Judgment." The Court will treat this document as an Objection to the R & R.

Having conducted a *de novo* review of the R & R, as well as Plaintiff's Objection, the Court concludes that the R & R should be adopted. Plaintiff fails to show, or even argue, that Magistrate Judge Greeley erred in his analysis or incorrectly concluded that Plaintiff failed to exhaust his claim against Defendant Lewis.

Therefore,

IT IS HEREBY ORDERED that the January 20, 2017, Report and Recommendation (ECF No. 87) is **ADOPTED**, and Defendant's Motion for Summary Judgment based on lack of exhaustion (ECF No. 83) is **GRANTED**. Plaintiff's complaint will be **dismissed without prejudice**.

IT IS FURTHER ORDERED that Plaintiff's Objection (ECF No. 88) is **OVERRULED**.

A separate judgment will enter.

This case is **concluded**.

Dated: February 17, 2017

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE