

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

ERIC ANDREW GARDNER,

Plaintiff,

Case No. 2:16-cv-3

v.

HON. ROBERT HOLMES BELL

MICHAEL MILLETTE, et al.,

Defendants.

---

**MEMORANDUM OPINION AND ORDER**

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Defendants Covert, Monroe, Fillion, Crompton, Majerczyk, Rutowski, and Sivec filed a motion to sever based on misjoinder of parties and claims. (ECF No. 24.) Defendants Wilson, Crompton, Millette, and Paquette also filed a motion to sever based on misjoinder of parties and claims. (ECF No. 32.) On October 24, 2016, Magistrate Judge Timothy Greeley issued a Report and Recommendation (“R&R”) recommending that the Court deny Defendants Wilson, Crompton, Millette, and Paquette’s motion to sever (ECF No. 32), and grant in part Defendants Covert, Monroe, Fillion, Majerczyk, Rutowski, and Sivec’s motion to sever (ECF No. 24), dismissing Defendants Majerczyk, Rutowski, and Sivec from the action without prejudice. (ECF No. 43.) Plaintiff filed a “stipulation” to the R&R (ECF No. 44). Plaintiff agrees with the Magistrate Judge’s conclusion that Defendants Majerczyk, Rutowski, and Sivec should be dismissed from the action, and requests that the Court dismiss

these Defendants. Plaintiff did not file any objections to the R&R. Accordingly,

**IT IS HEREBY ORDERED** that the R&R (ECF No. 43) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' motion to sever (ECF No. 24) is **GRANTED IN PART**. Defendants Majerczyk, Rutowski, and Sivec are **DISMISSED** without prejudice.

**IT IS FURTHER ORDERED** that Defendants' motion to sever (ECF No. 32) is **DENIED**.

Dated: January 3, 2017

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