

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

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JAMES LINDSEY #256676,

Plaintiff,

Case No. 2:16-CV-30

v.

HON. GORDON J. QUIST

RICK WERTANEN, et al.,

Defendants.

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**ORDER ADOPTING  
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Timothy Greeley's November 1, 2016 Report and Recommendation recommending that Defendants' motion for summary judgment based on Plaintiff's failure to exhaust his administrative remedies be denied. The Report and Recommendation was duly served on the parties on November 1, 2016. No objections have been filed pursuant to 28 U.S.C. § 636(b).

**THEREFORE, IT IS ORDERED** that the November 1, 2016, 2016 Report and Recommendation (ECF No. 29) is approved and adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment based on Plaintiff's failure to exhaust administrative remedies (ECF No. 16) is **DENIED**. Defendants have failed to establish that Plaintiff failed to exhaust.

Dated: December 7, 2016

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