

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

GENE FAVORS,

Plaintiff,

Case No. 2:16-cv-33

v.

HON. ROBERT HOLMES BELL

DAVID LEACH, 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 filed a motion to revoke Plaintiff's *in forma pauperis* status under 28 U.S.C. § 1915(g). (ECF No. 21.) Defendants have also filed a motion to stay the case management order pending discovery until the motion to revoke has been decided. (ECF No. 25.) On December 6, 2016, Magistrate Judge Timothy Greeley issued a Report and Recommendation ("R&R") recommending that the Court grant Defendants' motion to revoke *in forma paueris* status. (ECF No. 46.) Plaintiff timely filed an objection to the R&R, but stated that "due to the short time" to file an objection, he was not able to prepare an adequate objection and requested that the Court consider his previously-filed affidavit and exhibits. (ECF No. 47.) Plaintiff does not object to any of the R&R's conclusions. Rather, he relies upon his response to Defendants' motion. (ECF No. 40.)

This Court is required to make a *de novo* review upon the record of those portions of the R&R to which specific objections have been made, and may accept, reject, or modify any or all of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see also Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) (“[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.”). Plaintiff has not made any specific objections, and has not satisfied the requirements of § 636(b)(1) or Federal Rule of Civil Procedure 72(b). Although Plaintiff stated that he was unable to prepare an adequate objection in 14 days, Plaintiff did not request additional time to file an objection.

The Court finds the R&R to be well-reasoned; it accurately recites the facts and correctly applies pertinent law. The Court agrees with and adopts the Magistrate Judge’s analysis. Plaintiff has filed more than three lawsuits that fall within the meaning of 28 U.S.C. § 1915(g), and Plaintiff’s complaint does not satisfy the imminent-danger exception. Thus, Plaintiff may not proceed *in forma pauperis* in this action. As such, Plaintiff has 28 days to pay the civil action filing fee of \$400. If Plaintiff fails to pay the filing fee, the case will be dismissed without prejudice, and he will remain responsible for payment of the \$400 filing fee. *See In re Alea*, 286 F.3d 378, 380-81 (6<sup>th</sup> Cir. 2002).

Accordingly,

**IT IS HEREBY ORDERED** that the R&R (ECF No. 46) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' motion to revoke Plaintiff's *in forma pauperis* status (ECF No. 21) is **GRANTED**. Plaintiff's *in forma pauperis* status is revoked. He shall have 28 days to pay the \$400 filing fee.

**IT IS FURTHER ORDERED** that Defendants' motion to stay the case management order and discovery pending the Court's ruling on the motion to revoke (ECF No. 25) is **DENIED AS MOOT**.

Dated: January 3, 2017

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