

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

D'ANDRE ALEXANDER #731077,

Plaintiff,

Case No. 2:16-CV-64

v.

HON. GORDON J. QUIST

PENNY FILLION, et al.,

Defendants.

ORDER ADOPTING
REPORT AND RECOMMENDATION

On March 14, 2017, Magistrate Judge Greeley issued a Report and Recommendation recommending that the Court grant in part and deny in part Defendants' motion for summary judgment based on Plaintiff's failure to exhaust administrative remedies. In particular, the magistrate judge recommended that the Court grant the motion with regard to Plaintiff's claims based on the conduct of Defendants Waske, Merling, and Fillion that occurred between February 2015 and March 2015, and deny the motion in all other respects. The Report and Recommendation was duly served on the parties on March 14, 2017. No objections have been filed pursuant to 28 U.S.C. § 636(b). Therefore the Court will adopt the Report and Recommendation.

Therefore,

IT IS HEREBY ORDERED that the March 14, 2017, Report and Recommendation (ECF No. 45) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (ECF No. 28) is **GRANTED IN PART AND DENIED IN PART**. Plaintiff's claims against Defendant

Waske, Merling, and Fillion based on their conduct that occurred between February 2015 and March 2015 are **DISMISSED WITHOUT PREJUDICE** based upon lack of exhaustion. The motion is **DENIED** in all other respects.

Dated: April 11, 2017

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