

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DELMAREY MITCHELL,  
Plaintiff,

Case No.: 2:16-cv-106

v.

HONORABLE PAUL L. MALONEY

UNKNOWN GOLLADAY et al.,  
Defendants.

---

**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Timothy P. Greeley in this action (ECF No. 18). The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

**THEREFORE, IT IS ORDERED** that Defendants' motion for summary judgment (ECF No. 11) is GRANTED IN PART AND DENIED IN PART.

**IT IS FURTHER ORDERED** that Defendants Bender and Cusick are DISMISSED WITHOUT PREJUDICE from this lawsuit for Plaintiff's failure to exhaust his grievance remedies against them. The November 25, 2015, claim against Defendant Golladay is DISMISSED WITHOUT PREJUDICE for failure to properly file a grievance on the incident. The motion is DENIED as to Defendant McLean.

Dated: October 24, 2016

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge