

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

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CARY COSGROVE,

Plaintiff,

Case No. 2:16-CV-110

v.

Hon. Gordon J. Quist

JOHN BURKE, et al.,

Defendants.

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**ORDER ADOPTING**  
**REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Timothy Greeley's February 3, 2017, Report and Recommendation recommending that the Court grant Defendants' motion for summary judgment based on Plaintiff's failure to exhaust, and dismiss Plaintiff's claims against Defendants Burke, Pesola, and Dube without prejudice. The Report and Recommendation was duly served on the parties on February 3, 2017. No objections have been filed pursuant to 28 U.S.C. § 636(b).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed February 3, 2017 (ECF No. 28), is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment (ECF No. 24) is **GRANTED**, and Plaintiff's claims against Defendants Burke, Pesola, and Dube are **DISMISSED WITHOUT PREJUDICE**.

This case is **concluded**.

Dated: March 7, 2017

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