

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

WILLIE J. HARRIS,

Plaintiff,

v.

JAMES LECLAIRE, et al.,

Defendants.

Case No. 2:16-cv-260

HONORABLE PAUL L. MALONEY

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant James LeClaire filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on October 13, 2017, recommending that this Court grant the motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 22) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 16) is GRANTED. This case is DISMISSED WITHOUT PREJUDICE to Plaintiff's ability to refile the claim.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*,

114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: November 13, 2017

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