

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

MORRIS WEATHERSPOON,

Plaintiff,

Case No. 2:16-CV-263

v.

HON. GORDON J. QUIST

KIM ESSLIN, et al.,

Defendants.

**ORDER DENYING MOTION FOR EXTENSION OF TIME
TO FILE OBJECTIONS AND ADOPTING
REPORT AND RECOMMENDATION**

On September 12, 2018, Magistrate Judge Timothy Greeley issued a Report and Recommendation (R & R) (ECF No. 74) recommending that the Court grant Defendant Strahan's motion for summary judgment based on Plaintiff's failure to exhaust his available administrative remedies. Plaintiff failed to respond to the motion for summary judgment.

On September 19, 2018, Plaintiff filed a motion for extension of time to file objections to the R & R. Plaintiff also filed a supporting affidavit. Plaintiff says that he needs an extension of time because he has multiple cases filed in this Court and in the United States Court of Appeals for the Sixth Circuit with multiple deadlines. Plaintiff states that he "will require a reasonable amount of time [to] file objection[s] despite reasonable diligence and energetic effort." (ECF No. 75 at PageID.1.)

Pursuant to Federal Rule of Civil Procedure 6(b)(1), a court may extend the time for performing an act before the original time expires "for good cause." In the Court's judgment, Plaintiff has not shown good cause. Defendant Strahan filed her motion on March 12, 2018, and Plaintiff failed to respond to the motion, although he had several months to do so. In addition,

instead of requesting extension of time, Plaintiff easily could have filed an objection explaining why he should be deemed to have exhausted his claim against Defendant Strahan. Plaintiff fails to identify any obstacle that prevented him from filing a timely objection to the R & R.

Having reviewed the R & R, and given Plaintiff's failure to file a timely objection, the Court concludes that the R & R should be adopted and the case be dismissed in its entirety.

Therefore,

IT IS HEREBY ORDERED that the September 12, 2018, Report and Recommendation (ECF No. 74) is **ADOPTED** as the Opinion of the Court, and Defendant Strahan's Motion for Summary Judgment Based on Failure to Exhaust (ECF No. 67) is **GRANTED**. Plaintiff's claims against Defendant Strahan are **DISMISSED WITHOUT PREJUDICE**.

A separate judgment will enter.

This case is **concluded**.

Dated: October 4, 2018

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