

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT SEDORE,

Plaintiff,

v.

DUNCAN MACLAREN,

Defendant.

Case No. 2:17-cv-7

HON. JANET T. NEFF

OPINION AND ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983 involving claims that Defendant, Duncan Maclaren, failed to properly accommodate Plaintiff's medical disability in violation of the Eighth Amendment and the Americans with Disability Act (ECF No. 1). Defendant filed a motion for summary judgment, arguing that Plaintiff failed to exhaust all available administrative remedies. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending that Defendant's motion for summary judgment on the issue of exhaustion be denied. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

Plaintiff raises four objections to the Magistrate Judge's Report and Recommendation, despite the fact that the Magistrate Judge found that Defendant failed to meet his summary judgment burden, i.e., a finding that favors Plaintiff (Pl. Obj., ECF No. 26 at PageID.423-26; R&R,

ECF No. 23 at PageID.417). An objection to a magistrate judge’s report and recommendation must “specifically identify the portions of the proposed findings, recommendations, or report to which objections are made and the basis for such objections.” W.D. Mich. LCivR 72.3(b). The undersigned’s review is limited to these “portions of the report or specified proposed findings or recommendations to which [an] objection is made.” *Id.* Plaintiff’s objections, which merely reiterate the arguments he made in response to Defendant’s motion for summary judgment (ECF No. 14), do not specifically identify any portions of the Report and Recommendation. Thus, Plaintiff has not offered any reviewable objections to the Magistrate’s Report and Recommendation.

Accordingly, this Court adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court. Because this action was filed *in forma pauperis*, 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 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007). Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 26) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 23) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendant’s Motion for Summary Judgment (ECF No. 10) is DENIED.

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.

Dated: September 11, 2018

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge