

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BRUCE PARKER,

Plaintiff,

v.

CONNIE HORTON, et al.,

Defendants.

Case No. 2:18-cv-80

HONORABLE PAUL L. MALONEY

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment (ECF No. 53). Plaintiff filed a motion to strike (ECF No. 57) and a motion for declaratory judgment (ECF No. 60). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on July 25, 2019, recommending that this Court (1) grant the motion for summary judgment in part, (2) deny Plaintiff's motion to strike, and (3) deny Plaintiff's motion for declaratory judgment. 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. 70) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's motion to strike (ECF No. 57) and motion for declaratory judgment (ECF No. 60) are DENIED.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 53) is GRANTED IN PART AND DENIED IN PART as outlined in the Report and Recommendation. All of Plaintiff's claims against Defendant Eicher are DISMISSED.

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).

Dated: August 27, 2019

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