

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SIDNEY DURELL HILL,

Plaintiff,

v.

BRENDA L. BUCHANAN, et al.,

Defendants.

Case No. 2:19-cv-48

HON. JANET T. NEFF

OPINION AND ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983 regarding Plaintiff's claims of deliberate indifference to serious medical needs. Defendants Mary (nee Guild) Hense and Brenda Buchanan, the two remaining Defendants in this case, moved for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending that this Court grant both motions. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation, to which Defendants filed their respective responses. 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.

As a threshold matter, as Defendant Hense points out (ECF No. 71 at PageID.608), Plaintiff's objections are limited to his challenge to the Magistrate Judge's analysis of Defendant

Buchanan's motion for summary judgment. Plaintiff does not present any objection to the Magistrate Judge's recommendation that this Court grant Defendant Hense's motion.

With regard to the Magistrate Judge's analysis of Defendant Buchanan's motion, Plaintiff first argues that the Magistrate Judge erred in "infer[ring] that everything contained in Hill's medical record is accurate and correct" (Pl. Obj., ECF No. 69 at PageID.585-587). Plaintiff's argument lacks merit. The Magistrate Judge thoroughly described the evidence in the record and ultimately determined that the evidence was sufficient to create a genuine issue of fact with respect to the objective component of Plaintiff's deliberate indifference claim (R&R, ECF No. 67 at PageID.572).

The remainder of Plaintiff's submission consists of his argument that the "medical records show that N.P. Buchanan persisted in a course of treatment proven to be ineffective" (Pl. Obj., ECF No. 69 at PageID.588-585). Plaintiff's argument again lacks merit. As the Magistrate Judge pointed out, Plaintiff "simply disagrees with the adequacy of his treatment," and such disagreement is "not enough to state a deliberate indifference claim, ... even if the misdiagnosis results in an inadequate course of treatment and considerable suffering" (R&R, ECF No. 67 at PageID.570, 572). Last, Plaintiff does not demonstrate error in the Magistrate Judge's determination that he failed to present evidence showing that either Defendant acted with the requisite mental state (*id.* at PageID.572-573, 578).

In short, Plaintiff's objections fail to demonstrate any factual or legal error in the Magistrate Judge's analysis or conclusion. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. 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. 69) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 67) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motions for Summary Judgment (ECF Nos. 51 & 53) are GRANTED for the reasons stated in the Report and Recommendation.

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 20, 2021

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge