

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CHARLES WEBB,

Plaintiff,

v.

CHRISTOPHER GOLLADAY,

Defendant.

Case No. 2:19-cv-110

HON. JANE M. BECKERING

OPINION AND ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant moved for summary judgment of Plaintiff's remaining claim of First Amendment retaliation. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending that this Court deny Defendant's motion. The matter is presently before the Court on Defendant's objection 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 that portion of the Report and Recommendation to which objection has been made. The Court denies the objection and issues this Opinion and Order.

Plaintiff alleges that on August 13, 2017, after he filed a grievance against Defendant on July 11, 2017 for refusing to allow him to use the restroom, Defendant terminated Plaintiff from his position as a unit porter (Compl., ECF No. 1 at PageID.4). The Magistrate Judge recommends that this Court deny Defendant's motion for summary judgment because (1) the grievance constituted protected conduct, and (2) there is a genuine issue of material fact concerning whether

Defendant's retaliatory motive was the but-for cause of Plaintiff's termination (R&R, ECF No. 69 at PageID.316, 328). Defendant objects only to the Magistrate Judge's causation analysis. Defendant argues that the record as a whole "suggests that Webb would not have been fired had he cleaned the shower with the disinfectant he admits that he had at his disposal" (Def. Obj., ECF No. 70 at PageID.332). Defendant's objection serves merely to demonstrate his view of the record. His objection does not demonstrate any factual or legal error in the Magistrate Judge's analysis or ultimate conclusion that the evidence is not so one-sided that Defendant is entitled to judgment as a matter of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. Therefore:

IT IS HEREBY ORDERED that the Objection (ECF No. 70) is DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 69) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (ECF No. 60) is DENIED.

Dated: September 21, 2022

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge