

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LARON LOVING #971900,

Plaintiff,

v.

TINA CUMMINGS,

Defendant.

Case No. 2:22-cv-209

HONORABLE PAUL L. MALONEY

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on August 28, 2024, recommending that this Court grant the motion and enter 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. 25) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 23) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's retaliation claim is DISMISSED WITHOUT PREJUDICE for failure to properly exhaust administrative remedies.

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).

A Judgment will be entered consistent with this Order.

Dated: September 25, 2024

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