

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEONARD JENKINS,

Plaintiff,

vs.

Civil Action 2:14-cv-248
Judge Frost
Magistrate Judge King

GARY C. MOHR, et al.,

Defendants.

ORDER and REPORT AND RECOMMENDATION

Plaintiff, a paraplegic state prisoner, brings this civil rights action under 42 U.S.C. § 1983, claiming a denial of needed medical equipment, denial of an "Impartial Administrative Tribunal during the Grievance Process," *Complaint*, ECF 1, PAGEID # 11, and denial of adequate wound care by specialists. This matter is now before the Court for the initial screen of the *Complaint* required by 28 U.S.C. §§ 1915(e), 1915A.

Having reviewed the *Complaint*, the Court concludes that, at this juncture, plaintiff's claims of denial of needed medical equipment and denial of adequate wound care by specialists may proceed. Because prisoners have no constitutional right to an adequate grievance procedure, *Walker v. Michigan Dept. Of Corrections*, 128 Fed. Appx. 441, 2005 WL 742743, **3 (6th Cir. April 1, 2005)(the due process clause does not confer upon prison inmates a right to an effective prison grievance procedure); see also *Overholt v. Unibase Data Entry*,

Inc., 221 F.3d 1335, *3 (6th Cir. 2000), it is **RECOMMENDED** that plaintiff's claim based on the alleged inadequate "Administrative Tribunal" and "Grievance Process" be dismissed. Because plaintiff's claims against defendants Mary Lawrence and Mona Parks are based only on their resolution of plaintiff's grievances, *see Complaint*, ¶ 140, PAGEID # 18, it is **FUTHER RECOMMENDED** that defendants Lawrence and Parks be dismissed from the action.

If plaintiff submits a completed summons, Marshals service form and copy of the *Complaint* for each defendant, the United States Marshals Service will be **DIRECTED** to serve each defendant by certified mail. Each defendant may have forty-five (45) days after service of process to respond to the *Complaint*.

Plaintiff is **ADVISED** that the claims against any defendant not served with process within 120 days of the filing of the *Complaint* may be dismissed. *See* Fed. R. Civ. P. 4(m).

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to

de novo review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

s/ *Norah McCann King*
Norah M^cCann King
United States Magistrate Judge

Date: April 4, 2014