

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION**

Jamerson v. Wilkinson

Jamerson · No. 1:22-cv-529 · Decided December 9, 2025

SUMMARY

The United States District Court for the Western District of Michigan adopted a magistrate judge's report and recommendation and granted the remaining defendants' motion for summary judgment. The court concluded that Plaintiff John Jamerson failed to exhaust claims concerning an alleged fall from an upstairs cell because his grievance identified an incident date after he had been transferred to a ground-floor housing unit, and he did not address the evidentiary deficiencies identified in the report.

OPINION

Wilkinson

PER CURIAM.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN JAMERSON, #185490,)

Plaintiff,)) No. 1:22-cv-529 -v-)) Honorable Paul L. Maloney

M. WILKINSON, .,)

Defendants.))

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Jamerson, a prisoner under the control of the Michigan Department of Corrections, alleges Defendants violated his civil rights. Two defendants remain and they filed a motion for summary judgment (ECF No. 54). The Magistrate Judge issued a report recommending the court grant Defendants' motion (ECF No. 62 R&R). Plaintiff filed objections (ECF No. 63). The court will adopt the R&R. After being served with a report and recommendation (R&R) issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A district court judge reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Only those objections that are specific are entitled to a de novo review under the statute. , 806 F.2d 636, 637 (6th Cir. 1986) (per curiam). MDOC transferred Plaintiff to the Muskegon Correctional Facility in October 2020 where he was assigned to Housing Unit 6 (ECF No. 24-3 PageID.326). Accessing at least some of the cells in Housing Unit 6 requires the use of

stairs (ECF No. 55-4 PageID.335). Plaintiff was initially assigned to “Lock” 123 from October 22, 2020, to October 29, 2020 (ECF No. 24-3 PageID.326). He was then moved to “Lock” 232 from October 29, 2020, to February 1, 2021 (). MDOC transferred Plaintiff from Housing Unit 6 to Housing Unit 3 on February 1, 2021 (). The cells in Housing Unit 3 do not require the use of stairs (ECF No. 55-4 PageID.336). Concerning the remaining Defendants, Plaintiff exhausted his claim against them in a grievance filed on April 11, 2021, in which he identified the date of the incident as February 12, 2021. In the grievance he mentions (1) that he has a bottom bunk detail, (2) he was moved upstairs, and (3) he fell down the stairs and injured himself (ECF No. 37 PageID.248; ECF No. 24-3 PageID.136). As part of their motion for summary judgment, Defendants produced evidence that on February 1, 2021, Plaintiff had been transferred to Unit 3, which only has ground floor cells. The Magistrate Judge concluded that Defendants demonstrated a lack of genuine issue of material fact that Plaintiff did not have an upstairs cell on February 12, 2021, the date of the alleged incident identified in the grievance Plaintiff used to exhaust his claim against these defendants. Plaintiff’s objection does not address this discrepancy in the dates. He alleges he fell while housed in Unit 6 and that some discovery would show that these defendants had knowledge that he should not have been assigned an upstairs cell because of his detail. The court overrules Plaintiff’s objection. Plaintiff did not exhaust any claim against these defendants that occurred during the time Plaintiff was assigned to Housing Unit 6. His claim likely arose between October 29, 2020, and February 1, 2021. The court can infer that Lock 232 was a cell on the second floor. In addition, Plaintiff does not address the discussion in the R&R in footnote 1. The Magistrate Judge also points out several other evidentiary lapses relevant to any claim against these defendants that arose prior to February

1. Plaintiff’s objection does not address those other evidentiary lapses.

Accordingly, the court ADOPTS the report and recommendation (ECF No. 62) and GRANTS Defendants’ motion for summary judgment (ECF No. 54). IT IS SO ORDERED. Date: December 9, 2025 /s/ Paul L. Maloney Paul L. Maloney United States District Judge