

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS**

PHILLIP R. CROSS and)
CROSS JEEP, INC.,)
)
Plaintiffs,)
)
v.)
)
DAVID BURNHAM, KEN NEAVEAR,)
MICHAEL GALLOWAY, and)
CITY OF MACOMB,)
)
Defendants.)

Case No. 07-1091

ORDER

On January 11, 2008, a Report & Recommendation was filed by Magistrate Judge Byron G. Cudmore in the above captioned case. More than ten days have elapsed since the filing of the Report & Recommendation, and no objections were made. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *Lockert v. Faulkner*, 843 F.2d 1015, 1017 (7th Cir. 1988); *Video Views, Inc. v. Studio 21, Ltd.*, 797 F.2d 538, 539 (7th Cir. 1986). As the parties failed to present timely objections, any such objections have been waived. *Video Views*, 797 F.2d at 539.

The relevant procedural history is sufficiently set forth in the comprehensive Report & Recommendation of the Magistrate Judge. Phillip R. Cross and Cross Jeep, Inc. brought this litigation seeking damages against David Burnham (police officer for the City of Macomb), Ken Neavear (police officer for the City of Macomb), Michael Galloway (Chief of Police for the City of Macomb), and the City of Macomb, Illinois, alleging false arrest, unauthorized search, and equal protection violation. The Court agrees with the

recommendation that the factual record is insufficient at this time to dismiss the claims of false arrest and equal protection violation, and it agrees that the defendants do not move to dismiss the unauthorized search claim.

Accordingly, the Court adopts the Report & Recommendation of the Magistrate Judge [#13] in its entirety. Defendant's Motion to Dismiss [#9] is DENIED. This matter is referred to the Magistrate Judge for further proceedings.

ENTERED this 7th day of February, 2008.

/s/ Michael M. Mihm _____
Michael M. Mihm
United States District Judge