

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

TONY HILDEBRAND,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
ASSISTANT WARDEN JONES,)
WARDEN RICARDO RIOS, DR. SCOTT)
MOATS, ASSISTANT HEALTH)
SERVICES ADMINISTRATOR)
DILTELMAN, and HEALTH SERVICES)
ADMINISTRATOR FREDDY GARRIDO,)
)
Defendants.)

Case No. 13-cv-1233

ORDER & OPINION

This matter is before the Court on Defendant Freddy Garrido’s Motion to Dismiss (Doc. 23), and Magistrate Judge Cudmore’s Report & Recommendation (“R&R”) recommending the Motion be granted in part (Doc. 35).

The parties were notified that failure to object to Judge Cudmore’s September 23, 2013, R&R within fourteen days after service would constitute a waiver of any objections. (Doc. 35 at 11-12) (*citing* 28 U.S.C. § 636(b)(1); *Video Views, Inc. v. Studio 21, Ltd.*, 797 F.2d 538, 539 (7th Cir. 1986)). Objections to the R&R were due by October 10, 2013, and none were filed. This Court has reviewed the R&R, and will adopt it in its entirety.

IT IS THEREFORE ORDERED that the Court ADOPTS the Report and Recommendation of the Magistrate Judge (Doc. 35) in full. Accordingly, Defendant Freddy Garrido’s Motion to Dismiss (Doc. 23) is GRANTED IN PART. The claims

against Defendant Garrido are DISMISSED WITHOUT PREJUDICE for lack of personal jurisdiction. The request to dismiss for improper venue is DENIED AS MOOT. This matter is REFERRED BACK to Magistrate Judge Cudmore for further pretrial proceedings.

Entered this 11th day of October, 2013.

s/ Joe B. McDade

JOE BILLY McDADE
United States Senior District Judge