

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

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<b>JOHN H. HENDRIX,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>Case No. 09-CV-2027</b>
	)	
<b>BLAGER CONCRETE CO., and MCLEAN</b>	)	
<b>COUNTY READY MIX CO.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

On May 14, 2009, a Report and Recommendation (#32) was filed by Magistrate Judge David G. Bernthal in the above cause. On May 26, 2009, Plaintiff filed his pro se Objection to the Report and Recommendation (#34) This court has carefully reviewed Judge Bernthal’s Report and Recommendation and Plaintiff’s pro se Objection. Following this court’s careful de novo review, this court agrees with and accepts Judge Bernthal’s Report and Recommendation (#32). This court finds that Judge Bernthal thoroughly set out the applicable law and that his Report and Recommendation provides a well reasoned application of the law to the facts of this case.

IT IS THEREFORE ORDERED THAT:

- (1) The Report and Recommendation (#32) is accepted by this court.
- (2) The Motion to Dismiss (#27) filed by Defendant McLean County Asphalt Company (incorrectly referred to in Plaintiff’s pro se Complaint as McLean County Ready Mix Co.) is GRANTED. All claims in Plaintiff’s pro se Complaint (#4) against Defendant McLean County Asphalt Company are dismissed with prejudice. Defendant McLean County Asphalt Company is terminated as a party to this case.
- (3) This case is referred to Judge Bernthal for further proceedings.

ENTERED this 3<sup>rd</sup> day of June, 2009

**s/ Michael P. McCuskey**  
MICHAEL P. McCUSKEY  
CHIEF U.S. DISTRICT JUDGE