

**E-FILED**

Tuesday, 09 August, 2011 01:05:52 PM  
Clerk, U.S. District Court, ILCD

**IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION**

G & G CLOSED CIRCUIT EVENTS, )  
LLC. )

Plaintiff, )

v. )

No. 11-3016

DJT FIELDHOUSE, INC. and )  
DANIEL R. ORSBORN, )

Defendants. )

**OPINION**

This cause is before the Court on a Report and Recommendation (d/e 13) and Plaintiff's Objections to Court's Report and Recommendation (Objections) (d/e 14).

**FACTS**

On January 20, 2011, Plaintiff filed its Complaint. Defendants were properly served and, to this date, have failed to answer or file any type of response to Plaintiff's Complaint.

On June 7, 2011, the U.S. Magistrate Judge entered a Text Order directing Plaintiff to file a written status report, or otherwise proceed to move this matter forward, on or before June 20, 2011. Plaintiff failed to

do so.

On June 22, 2011, the Magistrate Judge entered another text order in which he granted Plaintiff a “FINAL EXTENSION” until July 8, 2011, to file a status report or risk dismissal for want of prosecution. Again, Plaintiff failed to timely file a status report.

On July 11, 2011, the Magistrate Judge entered a Report and Recommendation in which he recommended that Plaintiff’s Complaint be dismissed for want of prosecution. On July 25, 2011, Plaintiff filed its Objections, stating that the June 7 and 22, 2011, text orders were not properly docketed on Plaintiff’s calendar and were overlooked. Plaintiff requests that the Court grant Plaintiff 7 days to file a Motion for Order of Default.<sup>1</sup>

## ANALYSIS

This Court reviews de novo any part of the Report and Recommendation to which a proper objection has been made. See 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P. 72(b). Upon review of the Report and Recommendation, this Court may accept, reject, or modify the recommended disposition, receive further evidence, or recommit the

---

<sup>1</sup> Plaintiff filed a Motion for Entry of Default on July 26, 2011.

matter to the magistrate judge with instructions. See 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b)(3).

While the Court does not condone Plaintiff's apparent inattentiveness to these proceedings, Plaintiff did file its Objections and a Motion for Entry of Default as soon as Plaintiff discovered its oversight. Moreover, Defendants were properly served with the Complaint and Summons and have failed to answer or otherwise respond. Accordingly, the Court will grant Plaintiff's Objections to the Report and Recommendation and give Plaintiff leave to file its Motion for Entry of Default.

### CONCLUSION

For the reasons stated, Plaintiff's Objections (d/e 14) are GRANTED and the Report and Recommendation (d/e 13) is REJECTED. This matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

ENTERED: August 8, 2011.

FOR THE COURT:

\_\_\_\_\_  
s/ Sue E. Myerscough

SUE E. MYERSCOUGH  
UNITED STATE DISTRICT JUDGE