

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

LAWRENCE BECKOM,

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Plaintiff,

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v.

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No. 14-cv-3227

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**ILLINOIS DEPARTMENT OF
TRANSPORTATION, et al,**

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Defendants.

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ORDER

SUE E. MYERSCOUGH, U.S. District Judge:

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Tom Schanzle-Haskins (d/e 40). Judge Schanzle-Haskins recommends that this Court dismiss this case as a sanction under Federal Rule of Civil Procedure 37 for failure to respond to discovery requests. Judge Schanzle-Haskins further recommends that Plaintiff be given an opportunity to respond to demonstrate why an award of expenses and fees would be unjust, and that Defendants provide a detailed list of expenses and attorney fees incurred as a result of Plaintiff's failure to cooperate in discovery.

Objections to the Report and Recommendation were due on or before December 10, 2015. No party has filed any objection.

Pursuant to Federal Rule of Civil Procedure 72(b)(3), the Court “may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The Court reviews de novo any part of the Report and Recommendation to which a proper objection has been made. Fed. R. Civ. P. 72(b)(3). “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” Johnson v. Zema Sys. Corp., 170 F. 3d 734, 739 (7th Cir. 1999) (also noting that a party who fails to object to the report and recommendation waives appellate review of the factual and legal questions).

After reviewing the record, the Report and Recommendation, and the applicable law, this Court finds no clear error.

IT IS THEREFORE ORDERED THAT:

(1) The Report and Recommendation (d/e 40) is ADOPTED in its entirety.

(2) The case is DISMISSED as a sanction under Federal Rule of Civil Procedure 37 for failure to respond to discovery requests.

(3) Defendants are DIRECTED to file, if they so choose, a detailed list of expenses and attorney fees incurred as a result of Plaintiff's failure to cooperate in discovery, on or before December 31, 2015.

(4) Plaintiff is DIRECTED to respond to Defendants' filing, if he so chooses, explaining why an award of such expenses and fees would be unjust, on or before January 15, 2016.

THIS CASE IS CLOSED.

ENTERED: November 17, 2015

FOR THE COURT:

**s/ Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE**