

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TROY D. WHITMORE,

Plaintiff,

v.

LIEUTENANT WALKER, *et al.*,

Defendants.

Case No. 04-cv-837-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (R&R) of Magistrate Judge Proud recommending that the Motion for Summary Judgment (Doc. 107) filed on behalf of Defendants Carter, Casten, Ferrell, Fritz, Greenley, Henry, Helmer, Miner, Presswood, Rees, Tourville, Walker, Welborn, Westerman, and Witthoft be granted in part and denied in part. The time for filing objections to the R&R has passed.

After reviewing a magistrate judge's report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. "If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The Court has received no objection to the R&R. The Court has reviewed the entire file and finds that the R&R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the R&R in its entirety (Doc. 118). Defendants's Motion for Summary Judgment (Doc. 107) is **GRANTED in part and DENIED in part as follows:**

Count 3 **GRANTED** as to defendants Tourville and Westerman;

Count 4 **GRANTED** as to defendants Moore, Ferrell, Welborn, Fritz, Casten;

- Count 5 **GRANTED** as to defendant Casten;
- Count 6 **GRANTED** as to defendants Moore and Walker;
- Count 8 **GRANTED** as to defendant Carter
- Count 10 **DENIED** as to all defendants;
- Count 15 **DENIED** as to all defendants;
- Count 16 **DENIED** as to all defendants.

The Clerk of Court is **DIRECTED** to enter judgment accordingly at the close of the case.

IT IS SO ORDERED.

DATED: March 27, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE