

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARC NORFLEET,

Plaintiff,

v.

ROGER E. WALKER, *et al.*,

Defendants.

Case No. 09-cv-347-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Magistrate Judge Frazier’s Report and Recommendation (“R & R”) (Doc. 126) of May 2, 2011, wherein it is recommended that Defendant Loftin’s Motion for Summary Judgment (Doc. 81) be granted and that Plaintiff Norfleet’s prayer for injunctive relief in Count 3 of Norfleet’s complaint against Loftin be dismissed. Neither party has objected to the R & R.

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 has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “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). Accordingly, because the parties did not object, the Court will be reviewing Judge Frazier’s R & R for clear error.

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 (Doc. 126), which **GRANTS** Loftin’s Motion for Summary Judgment (Doc. 81) and **DISMISSES** Norfleet’s prayer for injunctive

relief in Count 3 of Norfleet's complaint against Loftin.

IT IS SO ORDERED
DATED: June 7, 2011

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