

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

JACK A. BEASLEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 10-cv-587-JPG-PMF
)	
E. HAIRRS, C/O, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Magistrate Judge Philip M. Frazier’s Report and Recommendation (“R & R”) (Doc. 54) of July 21, 2011, wherein it is recommended that the Court dismiss Defendants E. Harris and Olukunle Obadina for failure to timely serve process pursuant to Federal Rule of Civil Procedure 4(m). Plaintiff Jack Beasley did not file an objection to the R & R.

After reviewing a 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. 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).

Here, again, Beasley has not filed an objection to the R & R. The Court has reviewed the R & R for clear error and finds that it is not clearly erroneous. As such, the Court

ADOPTS the R & R (Doc. 54) in its entirety, whereby the Court **DISMISSES** Harris and Obadina **without prejudice** pursuant to Federal Rule of Civil Procedure 4(m). Beasley may move for reinstatement of Harris or Obadina if he obtains their current addresses.

IT IS SO ORDERED

DATED: August 23, 2011

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