

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

WILLIAM O. SPIVEY,
also known as Kyeanne Michelle,

Plaintiff,

v.

LT. JAMES TURLEY, SR.,
Southwestern Illinois Correctional Center,

Defendant.

Case No. 10-cv-689-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on Magistrate Judge Philip M. Frazier’s Report and Recommendation (“R & R”) (Doc. 47) of May 25, 2011, wherein it is recommended that the Court deny Plaintiff William Spivey’s Motions for Emergency Restraining Order (Docs. 45, 46). Neither Spivey nor Defendant Lt. James Turley, Sr. filed 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, neither party has 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. 47) in its entirety, whereby the Court **DENIES** Spivey's Motions for Emergency Restraining Order (Docs. 45, 46).

IT IS SO ORDERED
DATED: June 29, 2011

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