

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TIMMIE MARTIN,

Plaintiff,

vs.

DAVID A. REDNOUR, *et al.*,

Defendants.

Case No. 10-cv-1035-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) (Doc. 42) of Magistrate Judge Philip M. Frazier recommending that the Court deny defendants’ motion for summary judgment (Doc. 24). The defendants have not 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. *Id.* 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). A party must raise specific objections to the report and recommendation. Fed. R. Civ. P. 72(b). The term “specific as used in Rule 72(b) . . . require[s] a party only to specify each issue for which review is sought and not the factual or legal basis of the objection.” *Johnson*, 170 F.3d at 741.

The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. As such, the Court hereby **ADOPTS** the R & R (Doc. 42), which **DENIES** defendants’ motion for summary judgment (Doc. 24).

IT IS SO ORDERED.**DATED:** August 27, 2012

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