

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

CONTRELL PLUMMER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-cv-0682-MJR-SCW
)	
WEXFORD HEALTH SOURCES, INC. ¹ ,)	
DR. M. FAHIM, and DR. FUENTES,)	
)	
Defendants.)	

MEMORANDUM & ORDER

REAGAN, District Judge:

This case stems from Plaintiff’s allegations that Defendants (state and contracted medical providers at Illinois’ Menard Correctional Center) acted with deliberate indifference to his asthma, abdominal pain, and back pain, and that Defendants Fahim and Fuentes retaliated against him for complaining. In April 2013, Defendants Fahim and Fuentes filed a motion for summary judgment based on (they argued) Plaintiff’s failure to exhaust his administrative remedies.

Under the regime outlined in *Pavey v. Conley*, 544 F.3d 739 (7th Cir. 2008), Magistrate Judge Stephen C. Williams held a hearing on the motion in October 2013. Shortly thereafter, and pursuant to 28 U.S.C. §§ 636(b)(1)(B) and (c), and Federal Rule of Civil Procedure 72(b), Judge Williams submitted a Report and Recommendation (“R&R”) in which he found Defendants failed to meet their *Pavey* burden, and that Defendants’ summary judgment motion to be dismissed.

The Report was sent to the parties with a notice informing them of their right to appeal by way of objection within fourteen days of service. To date, no objections have been filed,

¹ Though the docket lists Defendant as “Wexford,” it is clear from their motions their proper name is Wexford Health Sources, Inc. The Clerk is therefore DIRECTED to substitute “Wexford Health Sources, Inc.” for “Wexford,” and to terminate the wrongly-named Defendant from the docket. For the same reason, the Clerk is DIRECTED to substitute “Dr. Fuentes” for “Dr. Fuentas.”

and the period in which objections may be filed has long since passed. The undersigned district judge, therefore, need not conduct *de novo* review of the R&R. 28 U.S.C. § 636(b)(1)(B); *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985); *Banco Del Atlantico, S.A. v. Woods Indus.*, 519 F.3d 350, 354 (7th Cir. 2008); *Video Views, Inc. v. Studio 21, Ltd.* 797 F.2d 538, 539–40 (7th Cir. 1986).

Accordingly, the undersigned **ADOPTS (Doc. 65)** Judge Williams R&R in its entirety, and **DENIES (Doc. 46)** Defendants’ Motion for Summary Judgment.

One more motion warrants immediate attention. Due in part to the delays created by the pendency of their summary judgment motion, Defendants have moved for a 90-day extension to complete discovery on substantive issues. That extension will, necessarily, require moving the July 2014 jury trial date (and other deadlines). The Court **GRANTS (Doc. 66)** the motion in part, and **RESETS** the jury trial for Monday, September 29, 2014. The discovery and dispositive motion deadlines shall also be postponed, until March 31, 2014, and April 30, 2014, respectively.

IT IS SO ORDERED.

DATE: January 29, 2014

s/ *Michael J. Reagan*
MICHAEL J. REAGAN
United States District Judge