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UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

RONALD BROWN,

Plaintiff,

V.

Case No. 11-cv-780-JPG

RYAN DAVIS and JOSHUA SIMS,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation ("Report") (Doc. 89) of Magistrate Judge Donald G. Wilkerson recommending that the Court deny the defendants'

motion for summary judgment based on the failure to exhaust administrative remedies (Doc. 81).

The Court may accept, reject or modify, in whole or in part, the findings or

recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P.

72(b)(3). The Court must review *de novo* the portions of the report to which objections are made.

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).

The Court has received no objection to the Report. The Court has reviewed the entire file

and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

• **ADOPTS** the Report in its entirety (Doc. 89); and

• **DENIES** the defendants motion for summary judgment on exhaustion grounds (Doc. 81).

IT IS SO ORDERED.

DATED: December 6, 2013

s/ J. Phil Gilbert

J. PHIL GILBERT DISTRICT JUDGE