

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

ROBERT MOORE,

Plaintiff,

v.

Case No. 11-cv-899-JPG-PMF

PAT QUINN, S.A. GODINEZ, SARAH
JOHNSON, LOUIS SHICKER, DEBBIE
DENNING, JACLYN O'DAY, MARC
HODGE, DR. PHIL MARTIN, CHARLES
FASANO, LISA PRATHER, DENNIS
LARSON, DR. J. FENOGLIO, ELAINE
HARDY, PAMELA MORAN, BRANDON
RISSE, and DOWNEN,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) (Doc. 73) of Magistrate Judge Philip M. Frazier recommending this Court dismiss this case pursuant to Federal Rule of Civil Procedure 41(b) for plaintiff Robert Moore’s failure to prosecute.

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. 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).

The R & R notes that Moore failed to keep an updated address on file with the Court, failed to respond to the Court’s show cause order dated October 15, 2013, and failed to respond

to two motions for summary judgment. Moore filed an objection (Doc. 78) in which he alleges he updated his address with the Court, but never received the aforementioned documents. The Court notes it received Moore's notice of change of address (Doc. 74) on November 8, 2013; however, Moore's notice was dated October 8, 2013.

It appearing that Moore may not have received the aforementioned documents even after mailing a change of address to the Court, the Court **REJECTS** the R & R (Doc. 73). The Court **DIRECTS** the Clerk of Court to mail a copy of defendant J. Fenoglio's motion for summary judgment (Doc. 70), memorandum in support (Doc 71), attached exhibits, and notice (Doc. 72) to Moore at this updated address. Moore shall file a response to the motion for summary judgment (Doc. 70) on or before January 8, 2014. Fenoglio's reply, if any, shall be filed within 14 days of the service of Moore's response.

IT IS SO ORDERED.

DATED: December 10, 2013

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