

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

DURWYN TALLEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-cv-1001-MJR-SCW
)	
C/O COREY KNOP, and)	
C/O JAMES KESSEL,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

In this pro se civil rights action filed under 42 U.S.C. 1983, Durwyn Talley challenged, inter alia, the conditions and treatment he experienced while confined at Lawrence Correctional Center. Prior Orders entered herein (including the August 10, 2012 threshold review Order) resulted in the dismissal of various claims, leaving three causes of action against two correctional officers – Defendant Knop and Defendant Kessel. Pending in this case is a motion for partial summary judgment filed by Defendants on January 10, 2013. Defendants contend that Talley failed to exhaust his administrative remedies before filing this suit.

On April 25, 2013, Judge Williams submitted a Report recommending that the Court partially grant and partially deny the summary judgment motion (Doc. 41). The Report plainly notified the parties that they must file any objections “on or before May 13, 2013” (Doc. 41, p. 8). That deadline has elapsed, and no objections were filed by any party. Accordingly, pursuant to 28 U.S.C. 636(b), the undersigned Judge need not conduct *de novo* review of the Report and Recommendations. **28 U.S.C. 636(b)(1)(C)**

("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). See also *Thomas v. Arn*, 474 U.S. 140 (1985); *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 741 (7th Cir. 1999); *Video Views Inc., v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986).

The Court hereby **ADOPTS** the Report (Doc. 41), including Judge Williams' detailed findings of fact and conclusions of law contained therein, in entirety. Therefore, the Court **GRANTS IN PART and DENIES IN PART** Defendant's summary judgment motion (Doc. 33). The motion is granted as to Plaintiff's claim that Defendants deprived Plaintiff of medical care needed to treat a serious medical condition. The motion is denied as to Plaintiff's claim that Defendants stole some of Plaintiff's personal property and legal work. Stated another way, Count 3 is dismissed; Counts 1 and 2 remain pending herein.

IT IS SO ORDERED.

DATED May 19, 2013.

s/ **Michael J. Reagan** _____

Michael J. Reagan
United States District Judge