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

WILLIAM J. BUCK,

Plaintiff,

vs.

C/O HARTMAN, *et al.*,

Defendants.

Case No. 12-cv-273-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation ("R & R") (Doc. 52) of Magistrate Judge Philip M. Frazier recommending that the Court deny defendant C/O Hartman's motion for summary judgment (Doc. 29).

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 Court has received no objection to the R & R. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the R & R in its entirety and **DENIES** C/O Hartman's motion for summary judgment (Doc. 29).

IT IS SO ORDERED.

DATED: July 8, 2013

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