

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

KEVIN ICKES,

Plaintiff,

vs.

MARLA PATTERSON, ROBIN BRYSON,
ESTUS HOOD, UNKNOWN PARTY and LT. B.
TOLSON,

Defendants.

Case No. 12-cv-1087-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) (Doc. 56) of Magistrate Judge Donald G. Wilkerson recommending this Court deny in part and grant in part defendants’ motions to dismiss for failure to state a claim (Docs. 36, 41 & 51).

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 **ADOPTS** the R & R (Doc. 56), **GRANTS in part and DENIES in part** defendants’ motions to dismiss (Docs. 36, 41 & 51), and **DISMISSES** Count Three of plaintiff Kevin Ickes’ complaint.

IT IS SO ORDERED.

DATED: March 6, 2014

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