

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL A. OLIVER,

Plaintiff,

v.

C/O HICKS, C/O FLATT, C/O PAYNE, C/O  
SHIRLEY, CLARK, HAGSTON and  
OFFICER HULL,

Defendants.

Case No. 12-cv-1200-JPG-DGW

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 41) of Magistrate Judge Donald G. Wilkerson recommending that the Court construe plaintiff Michael A. Oliver’s failure to respond to the defendants’ motion for summary judgment for failure to exhaust administrative remedies (Doc. 36) as an admission of the merits of the motion pursuant to Local Rule 7.1(c), grant the motion, and enter judgment in favor of the defendants for Oliver’s failure to exhaust administrative remedies and for failure to prosecute. The Court further notes that the copy of the Report that was mailed to Oliver was returned to the Court; clearly he has not kept the Court apprized of his current address as required by Local Rule 3.1(b) and the Court’s January 31, 2013, order (Doc. 13).

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. 41);
- **GRANTS** the defendants' motion for summary judgment for failure to exhaust administrative remedies (Doc. 36);
- **DISMISSES** this case **without prejudice** for failure to exhaust administrative remedies; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: December 9, 2013**

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