

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBIN SMITH,

Plaintiff,

v.

STATE of ILLINOIS, SALVADOR A. GODINEZ,
DONALD GAETZ, GINA ALLEN, KIM DEEN,
CHRISTINE BROWN, VIPIN SHAH, TERRI
BRYANT, DR. JAMES SLEDGE, UNKNOWN
PARTY, DR. LOUIS SCHICKER, LARSON, and
WEXFORD HEALTH SERVICES, INC.,

Defendants.

Case No. 13-cv-220-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 52) of Magistrate Judge Philip M. Frazier recommending that the Court deny plaintiff Robin Smith’s motion for a preliminary injunction (Doc. 39). Magistrate Judge Frazier found that Smith has not shown he has a likelihood of success on his claim of deliberate indifference to his serious medical needs in light of the evidence that he has and is receiving medical attention for his health problems. Magistrate Judge Frazier further found Smith has not shown he will suffer irreparable harm if an injunction is not granted.

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).

Smith has not objected to the Report but he has, for the second time, asked the Court for an extension of time to submit support for his motion (Doc. 64). However, the briefing on the pending motion is complete, and Magistrate Judge Frazier has recommended a resolution of the motion. While the Court is generally not opposed to extending objection deadlines, it appears Smith does not want to object but instead wants to extend the briefing schedule so he can better support his motion after consulting with a jailhouse lawyer and receiving further discovery. In light of the fact that Smith may file a new motion for preliminary injunctive relief at any time, the Court is not inclined to prolong the briefing on the pending motion. The Court will therefore assess the Report as if no objections have been filed.

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. 52);
- **DENIES** Smith's motion for an extension of time to respond (Doc. 64);
- **DENIES** Smith's motion to supplement objection (Doc. 65), which the Court construes as a motion for a hearing; and
- **DENIES without prejudice** Smith's motion for a preliminary injunction (Doc. 39).

IT IS SO ORDERED.
DATED: June 2, 2014

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