

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHRISTOPHER E. YOUNG,

Plaintiff,

v.

Case No. 13-cv-702-JPG-DGW

SGT. EOVALDI, LT. VEATH, NINHT
SCOTT, DAVID TINDALL, JOHN DOES
1-7 and LT. PAGE,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 29) of Magistrate Judge Donald G. Wilkerson recommending that the Court reconsider its decision to grant plaintiff Christopher E. Young *in forma pauperis* status because he was untruthful in his representations to the Court in his motions for leave to proceed *in forma pauperis* (Docs. 2 & 25). The Report further recommends reduction of the initial partial filing fee from \$19.12 to \$0.00, a sanction in the amount of \$19.12, and staying the case until the sanction is paid. Since Magistrate Judge Wilkerson issued the Report, the Court has received an initial payment from Young in the amount of \$20.00.

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).

Young objects to the Report. He states he had no control over when funds are placed into

or taken out of his prison trust fund account. He also states he will try to pay the amount due.

In light of Young's payment of the full initial partial filing fee, the Court sees no need to disturb its original fee assessment and *in forma pauperis* finding (Doc. 7). Accordingly, the Court:

- **REJECTS** the Report (Doc. 29);
- **DENIES as moot** the plaintiff's second motion for leave to proceed *in forma pauperis* (Doc. 25); and
- **WARNS** the plaintiff that the Court may summarily dismiss with prejudice and without further warning any case, whether now pending or filed in the future, in which he is untruthful as to his prison trust fund assets.

IT IS SO ORDERED.

DATED: February 12, 2014

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