

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ALIREZA BAKHTIARI,

Plaintiff,

v.

J. WALTON, UNITED STATES of
AMERICA, M. WINKLMEIER, M.
BAGWELL, D. SZOKE, L. DUNCAN, J.
BAGWELL, and R. STRAUSS,

Defendants.

Case No. 13-cv-906-JPG

**MEMORANDUM AND
ORDER TO SHOW CAUSE**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 32) of Magistrate Judge Philip M. Frazier recommending that the Court deny plaintiff Alireza Bakhtiari’s motion for an emergency injunction (Doc. 1) and dismiss this case. The Court also considers Bahktiari’s motion for sanctions or an injunction to prevent retaliation for filing this lawsuit (Doc. 36).

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. However, the Court believes that before dismissing this entire case, which may seek permanent injunctive relief in addition to preliminary

injunctive relief, it is advisable to explicitly warn Bakhtiari of the possibility of dismissal and give him an opportunity to respond.

Additionally, the Court notes that in his motion for sanctions and injunctive relief, Bakhtiari seeks relief based on facts not related to the wrongs alleged in this case, which only involves allegations of deliberate indifference to a serious medical need. Bakhtiari may file a new lawsuit – after exhausting his available administrative remedies – about the alleged retaliation he is suffering as a consequence of filing this lawsuit, and he may seek injunctive relief in that new case.

Accordingly, the Court hereby:

- **ADOPTS** the Report (Doc. 32) as **MODIFIED** by this order;
- **DENIES** Bakhtiari’s motion for an emergency injunction (Doc. 1);
- **DENIES** Bakhtiari’s motion for sanctions or an injunction to prevent retaliation for filing this lawsuit (Doc. 36); and
- **ORDERS** Bakhtiari to **SHOW CAUSE** on or before December 30, 2013, why, to the extent any request for a permanent injunction remains pending in this case, such claim should not be dismissed for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a).

IT IS SO ORDERED.

DATED: December 6, 2013

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