

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHESTER O'QUINN,

Plaintiff,

v.

DONALD GAETZ, THOMAS SPILLER, S.A.
GODINEZ, DR. V. SHAH, A. RECTOR, MR.
BLADES, JODY GOGETTING, JANET
DAUGHERTY, NURSE AMY, NURSE
ABBY and OFFICER OLMSTED,

Defendants.

Case No. 13-cv-1342-JPG-PMF

MEMORANDUM AND ORDER

I. Report and Recommendation re: Shackling (Doc. 85)

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 85) of Magistrate Judge Philip M. Frazier recommending that the Court deny plaintiff Chester O’Quinn’s motion a temporary order prohibiting prison officials from shackling his feet when he attends court proceedings via videoconference (Doc. 78). Apparently, prison officials shackled O’Quinn’s feet during an evidentiary hearing conducted by Magistrate Judge Frazier via videoconference; he was still able to participate in the proceedings to the Court’s satisfaction. Magistrate Judge Frazier found the issue of shackling by the prison is not at issue in this litigation and that O’Quinn may seek relief through the Illinois Department of Corrections’ administrative remedy process. In an objection (Doc. 86), O’Quinn states that he has grieved the shackling procedure but that it is too late for him to remedy what happened to him in this case. He also urges the Court to set precedent on this obscure issue.

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 reviewed the matter *de novo* and finds, for the reasons given by Magistrate Judge Frazier, that the Court should not issue an order to prison officials regarding when they may shackle prisoners. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 85); and
- **DENIES** O’Quinn’s motion for a temporary order (Doc. 78).

II. Motion for Extension of Time (Doc. 113)

O’Quinn asks the Court for an extension of time to object to Magistrate Judge Frazier’s Report and Recommendation (Doc. 109) that the Court prohibit O’Quinn from filing further documents without first obtaining the Court’s permission. The Court **GRANTS** the motion (Doc. 113) and **ORDERS** that O’Quinn shall have up to and including November 14, 2014, to object.

IT IS SO ORDERED.

DATED: October 21, 2014

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