

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CIPRIANO CARDENAS-URIARTE,)
)
 Plaintiff,)
)
vs.)
)
USA, *et al.*)
)
 Defendants.)

Case No. 14-cv-00747-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the court on the Report and Recommendationⁱ (“R & R”) (Doc. 50) of Magistrate Judge Philip M. Frazier with regard to Defendants USA and Charles E. Samuels’ Motion (Doc. 44) for Partial Summary Judgment and Plaintiff’s Request for Preliminary Injunctive Relief/Request for Hearing (Doc. 47). Neither party filed an objection to the R & R.

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. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *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 and Recommendation. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 50) and **GRANTS** Defendants USA and Charles E. Samuels’ Motion (Doc. 44) for Partial Summary Judgment. Counts 1 and 6 are

DISMISSED without prejudice and Plaintiff's Request for Preliminary Injunctive Relief/Request for Hearing (Doc. 47) is **DENIED**.

IT IS SO ORDERED.

DATED: 9/1/2015

s/J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE

ⁱ The R & R incorrectly states that the merit review was conducted on July 23, 2015. The date should read July 23, 2014.