

**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-RJD

MEMORANDUM AND ORDER

This matter comes before the court on the Report and Recommendation (“R & R”) (Doc. 95) of Magistrate Reona J. Daly with regard to Defendant Bryson’s Motion (Doc. 84) for Summary Judgment and Defendants C/O Howard and USA’s Motion (Doc. 85) for Summary Judgment. On May 8, 2017, the defendants were granted an extension of time to file an objection to the R & R. However, no objection was filed. The plaintiff also did not file an objection. The time for filing an objection has expired for all parties and the Court has not received 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).

As stated above, the Court has received no objection to the R&R. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous with regard to the

defendants' motions for summary judgment. However, the R & R makes a recommendation that the Court allow the Plaintiff to amend his responses to defendants' requests for admission. Such leave to amend is not necessary. Plaintiff was allowed to supplement his responses upon appointment of counsel (Doc. 73) and no further action is required.

Therefore, the Court hereby **ADOPTS** the R & R (Doc. 95) in part with regard to Defendants' motions for summary judgment and **REJECTS** that part of the R & R with regard to amended discovery responses. As such, Defendant Bryson's Motion (Doc. 84) for Summary Judgment is **GRANTED** in part with regard to Count 3 and **DENIED** with regard to Counts 2 and 4. Count 3 and Defendant Bryson are **DISMISSED** without prejudice. Defendants C/O Howard and USA's Motion (Doc. 85) for Summary Judgment is **DENIED**.

The Clerk of Court is **DIRECTED** to enter judgment in favor of Defendant Bryson at the conclusion of this matter.

IT IS SO ORDERED.

DATED: 6/13/2017

s/J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE