

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JARVIS LAMAR POSTLEWAITE,

Plaintiff,

v.

No. 14-cv-930-JPG-PMF

WARDEN TREDWAY, WARDEN
MOORE, CHAPLIN VAUGHN,
COUNSELOR WILLIAMS, SALVADOR
GODINEZ, WARDEN DUNCAN,
UNKNOWN DIETARY SUPERVISORS,
UNKNOWN MAILROOM SUPERVISORS
and PHILLIP MARTIN,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 53) of Magistrate Judge Philip M. Frazier recommending that the Court grant defendant Chaplin Vaughn’s motion for summary judgment on the issue of exhaustion of administrative remedies (Doc. 35) and dismiss Count 2, the only remaining claim in this case, for failure to exhaust administrative remedies. Plaintiff Jarvis Postlewaite has responded to the Report that he has no objection to the recommendation and will file a new case, but that he would like the Court to provide him copies of the statements he filed in this case, which were his only copies.

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. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 53);
- **GRANTS** Vaughn's motion for summary judgment (Doc. 35);
- **DISMISSES** Count 2 against Vaughn **without prejudice** for failure to exhaust administrative remedies;
- **DIRECTS** the Clerk of Court to enter judgment accordingly; and
- **DIRECTS** the Clerk of Court to send Postlewaite copies of the following documents:
 - the Amended Complaint (Doc. 8);
 - the letters attached to his motion for counsel (Doc. 20, pages 3-5); and
 - the proposed documents he sent to the Court at Doc. 32 that were saved on the Court's computer system.

Postlewaite may purchase additional documents at a cost of 50 cents per page by requesting the documents from the Clerk's Office.

IT IS SO ORDERED.

DATED: March 30, 2016

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