

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

COREY D. JONES,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 14-cv-1098-MJR-SCW
)	
MICHAEL DEAN,)	
DEREK HUNDLEY,)	
CHRIST BRANT,)	
CHRISTOPHER CALE,)	
and ROBERT KIDWELL,)	
)	
Defendants.)	

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE WITH PREJUDICE**

REAGAN, Chief Judge:

In October 2014, Corey D. Jones (Plaintiff), who then was incarcerated at Lawrence Correctional Center, filed suit in this Court under 42 U.S.C. 1983, alleging that correctional officials physically assaulted him, retaliated against him, and failed to properly investigate the incidents in question. On threshold review of the complaint in a November 6, 2014 Order, the undersigned found that Plaintiff had stated six colorable federal claims (for violation of his rights under the First and Eighth Amendment, *see* Doc. 13, p. 5). Defendants appeared, the case proceeded, and motions were filed.

On June 4, 2015, the Honorable Stephen C. Williams, United States Magistrate Judge, submitted a detailed 15-page Report and Recommendation (Doc. 80, “the Report”). The Report recommends that the undersigned grant the summary judgment motions filed by Defendants Brant, Dean and Hundley (Docs. 26, 50).

The Report concludes not only that dismissal is warranted based on Plaintiff's failure to exhaust (which would be a dismissal *without* prejudice)¹ but that dismissal *with* prejudice is warranted here as a sanction, because Plaintiff blatantly lied to Judge Williams at an in-court hearing and falsified documents. Thus, the Report concludes that the Court should grant Defendants' summary judgment motions, deny Plaintiff's summary judgment motion, and dismiss all of Plaintiff's claims against all Defendants with prejudice (Doc. 80, p. 14).

Judge Williams set a deadline by which objections to the Report and Recommendation must be filed. That deadline (June 22, 2015) elapsed, and no objection has been filed. Accordingly, pursuant to 28 U.S.C. 636(b), the undersigned Judge need not conduct de novo review of the Report and Recommendation. **28 U.S.C. 636(b)(1)(C)** ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). *See also Thomas v. Arn*, 474 U.S. 140 (1985); *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 741 (7th Cir. 1999); *Video Views Inc., v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986).

Accordingly, the Court **ADOPTS** Judge Williams' Report and Recommendation (Doc. 80) in its entirety. The Court **GRANTS** Defendants' motions for summary judgment (dismissal) based on Plaintiff's failure to exhaust administrative remedies

¹ Exhaustion-based dismissals are made without prejudice. *See, e.g., Walker v. Thompson*, 288 F.3d 1005, 1009 (7th Cir. 2002) ("Dismissal for failure to exhaust is without prejudice..."), and *Ford v. Johnson*, 362 F.3d 395, 401 (7th Cir. 2004) ("*all* dismissals under § 1997e(a) should be without prejudice").

before filing this suit (Docs. 26, 50), **DENIES** Plaintiff's summary judgment motion (Doc. 48), and - based on the finding of Plaintiff's perjury and blatant deception (lying to the Court in the hearing before Judge Williams and falsifying documents submitted to the Court in connection with the hearing) - **DISMISSES with prejudice** all of Plaintiff's claims herein. Judgment shall be entered in favor of Defendants Dean, Hundley, Brant, Cale and Kidwell and against Plaintiff.

IT IS SO ORDERED.

DATED June 24, 2015.

s/ Michael J. Reagan
Michael J. Reagan
United States District Judge