

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHRISTOPHER BRANCH,

Plaintiff,

v.

Case No. 14-cv-1240-JPG-PMF

ILLINOIS DEPARTMENT OF CORRECTIONS,
PAT QUINN, S.A. GODINEZ, LARUE LOVE
and ROBERT HILLIARD,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 28) of Magistrate Judge Philip M. Frazier recommending that the Court deny the motion to dismiss for lack of prosecution filed by defendants LaRue Love and Robert Hilliard (Doc. 25), reopen discovery for 30 days for the limited purpose of obtaining the deposition of plaintiff Christopher Branch, order Branch to contact defense counsel within 14 days to reschedule his deposition on a date and at a location convenient for defense counsel, and order Branch to pay within 120 days the reasonable court reporter fees incurred by the defense on March 10, 2016.

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. 28);
- **DENIES** the motion to dismiss for lack of prosecution (Doc. 25);
- **REOPENS** discovery for 30 days from the date of this order for the limited purpose of obtaining Branch's deposition;
- **ORDERS** Branch to contact defense counsel within 14 days of the date of this order to reschedule his deposition on a date and at a location convenient for defense counsel;
- **ORDERS** Love and Hilliard to file within 14 days of the date of this order a statement of the reasonable court reporter fees incurred by the defense on March 10, 2015; and
- **ORDERS** Branch to pay the reasonable court reporter fees incurred by the defense on March 10, 2016, within 120 days of the defendants' filing the statement of those costs.

IT IS SO ORDERED.

DATED: May 10, 2016

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