

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

<b>CALVIN MERRITTE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 15-CV-254-SMY-RJD</b>
	)	
<b>S.A. GODINEZ, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**YANDLE, District Judge:**

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Reona J. Daly (“R&R”)(Doc. 176), recommending that this Court deny Defendants Christine Brooks and Kim Clevy’s motion for summary judgment based on the failure to exhaust administrative remedies (Doc. 134). No objections to the R&R have been filed. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b)(2); SDIL-LR 73.1(b).

Plaintiff Calvin Merritte filed this action, alleging violations of his constitutional rights under the First, Eighth and Fourteenth Amendments. Defendants Brooks and Clevy moved for summary judgment, asserting that Plaintiff did not exhaust his administrative remedies prior to filing suit. Following a *Pavey* evidentiary hearing, Judge Daly issued her Report and Recommendation, recommending that Defendants’ motion be denied.

Where timely objections are filed, this Court must undertake a *de novo* review of the Report and Recommendation. 28 U.S.C. § 636(b)(1)(B), (C); FED. R. CIV. P. 72(b); SDIL-LR 73.1(b); *Harper v. City of Chicago Heights*, 824 F. Supp. 786, 788 (N.D. Ill. 1993); *see also Govas v. Chalmers*, 965 F.2d 298, 301 (7th Cir. 1992). Where neither timely nor specific objections to the Report and Recommendation are made, however, this Court need not conduct a

*de novo* review of the Report and Recommendation. See *Thomas v. Arn*, 474 U.S. 140 (1985). Instead, the Court should review the Report and Recommendation for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). A judge may then “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

Judge Daly’s recommendation is fully discussed in the R&R and supported by the record. The Court finds no error with respect to her findings, analysis and conclusion that Plaintiff exhausted administrative remedies prior to filing suit. Accordingly, the Report and Recommendation is **ADOPTED** in its entirety.

**IT IS SO ORDERED.**

**DATED: September 19, 2017**

**s/ Staci M. Yandle**  
**STACI M. YANDLE**  
**United States District Judge**