

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

CHRISTOPHER MICHAEL CORWIN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 15-CV-506-SMY-DGW
)	
JOHN HECK, MICHAEL HARE, and)	
NURSE,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Donald G. Wilkerson recommending dismissal of Plaintiff Christopher Michael Corwin’s civil rights action for failure to prosecute. The Report and Recommendation was entered on July 14, 2015. No objections have been filed. For the reasons stated below, the Court adopts the Report and Recommendation of Magistrate Judge Wilkerson and dismisses this case with prejudice.

BACKGROUND

On June 10, 2014, Plaintiff Christopher Michael Corwin filed this lawsuit alleging deprivations on his constitutional rights pursuant to 42 U.S.C. § 1983 (Doc. 1). Specifically, Plaintiff alleges violations of the Eighth Amendment’s prohibition against cruel and unusual punishment related to his incarceration at the Madison County Jail. At the time Plaintiff initiated this lawsuit, he was an inmate in the custody of the Illinois Department of Corrections. Plaintiff was released from custody sometime after filing this lawsuit.

Since December 4, 2014, at least five pieces of mail sent to Plaintiff by the Clerk's Office have been returned to the Court as undeliverable (Docs. 10, 14, 21, 28, and 29). To date, Plaintiff has failed to inform the Court of his current address. On July 14, 2015, Magistrate Judge Wilkerson entered the Report and Recommendation currently before the Court, recommending that this matter be dismissed for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. Objections to the Report and Recommendation were due on July 31, 2015. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b)(2); SDIL-LR 73.1(b). However, Plaintiff did not file an objection by the deadline.

DISCUSSION

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).

The Court has carefully reviewed Magistrate Judge Wilkerson's Report and Recommendation and agrees with his conclusion that Plaintiff's case should be dismissed for failure to prosecute. Since filing this lawsuit in June 2014, Plaintiff has not taken any steps to litigate this matter. Indeed, the Court has not heard from him **in over fourteen months**.

Plaintiff should not be permitted to continue to litigate this matter when he has shown an obstinate refusal to comply with the Rules of this Court.

CONCLUSION

For the foregoing reasons, the Court **ADOPTS** Magistrate Judge Wilkerson's Report and Recommendation (Doc. 33). This action is **DISMISSED with prejudice**. The Clerk is directed to enter judgment accordingly and close this case.

IT IS SO ORDERED.

DATED: August 25, 2015

s/ Staci M. Yandle

STACI M. YANDLE
United States District Judge