

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHN STEWART,

Plaintiff,

v.

JOHN LAKIN, GARY BOST and MIKE TASSONE,

Defendants.

Case No. 15-cv-974-JPG-DGW

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 50) of Magistrate Judge Donald G. Wilkerson recommending that the Court deny the defendants’ motion to dismiss pursuant to Federal Rule of Civil Procedure 41(b) (Doc. 35).

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. 50); and
- **DENIES** the defendants’ motion to dismiss (Doc. 35).

**IT IS SO ORDERED.**

**DATED: June 9, 2017**

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