

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

DAVID BRADFORD,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 15-cv-01405-JPG-SCW
)	
SGT KRAMER, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the court on the Report and Recommendation (“R & R”) (Doc. 39) of Magistrate Judge Stephen C. Williams with regard to Defendants’ Motion (Doc. 22) for Summary Judgment. It is noted that objections to the R & R were required to be filed by February 13, 2017. However, plaintiff was transferred and the Court resent the R & R and allowed an extra response period until March 27, 2017. That time has expired and there are no objections by either party to the R & R.

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. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *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 R & R. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 39) and **GRANTS** in part and **DENIES** in part Defendants’ Motion

(Doc.22) for Summary Judgment. The Court finds that the defendants have not demonstrated that the Plaintiff failed to exhaust his administrative remedies and summary judgment is **DENIED** in that regard. However, summary judgment is **GRANTED** with regard to plaintiff's first amendment claim and plaintiff's first amendment claim is **DISMISSED** without prejudice. As such, this matter is proceeding on a single RLUIPA claim.

IT IS SO ORDERED.

DATED: 3/28/2017

s/J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE