

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

CORTEZ L. MOORE,)	
)	
Plaintiff,)	
vs.)	
)	
SUSAN HILL, and)	Case No. 16-cv-0261-MJR-SCW
KIMBERLY BUTLER,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

REAGAN, Chief Judge:

This is a prisoner civil rights lawsuit brought under 42 U.S.C. 1983 by Cortez L. Moore, who is incarcerated at Menard Correctional Center. On threshold review of under 28 U.S.C. 1915A, the undersigned found that Moore’s complaint stated cognizable claims for violation of this rights under the Eighth Amendment to the United States Constitution, stemming from allegations that he was confined in a dark, cold cell for over three weeks. Those claims proceed against two Defendants – Susan Hill and Kimberly Butler.

On October 31, 2017, Defendants Hill and Butler moved for summary judgment, arguing that Moore had failed to establish that the conditions of his confinement satisfied the objective and subjective standards needed to support an Eighth Amendment violation. Moore opposed the motion. Now before the Court is a Report and Recommendation submitted by the Honorable Stephen C. Williams, United States Magistrate Judge (Doc. 65, R&R). The R&R recommends that the undersigned grant in

part and deny in part Defendants' summary judgment motion.

The R&R plainly stated that any objection must be *filed* by September 4, 2018. That date passed, with neither an objection nor a motion for extension of the objection deadline filed by any party. Because no objection was lodged against the R&R, the undersigned need not conduct de novo review of the R&R. **28 U.S.C. 636(b)(1)(C) (A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.);** *Thomas v. Arn*, 474 U.S. 140 (1985); *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 741 (7th Cir. 1999); *Video Views Inc., v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986).

The Court **ADOPTS** in its entirety Judge Williams' R&R (Doc. 64) and **GRANTS IN PART and DENIES IN PART** Defendants' summary judgment motion (Doc. 43). As fully described in the R&R, the motion is granted as to Plaintiff's cell light claim but denied as to Plaintiff's cell temperature claim. At the close of the case, the Clerk of Court shall enter judgment in favor of Defendants Hill and Butler and against Plaintiff Moore on the cell light claim. In the wake of this Order, what remains herein is Plaintiff's Eighth Amendment cell temperature claim against Defendants Hill and Butler.

The final pretrial conference remains set before Magistrate Judge Williams on October 10, 2018. Jury trial remains set before the undersigned on October 29, 2018 but cannot go to trial that day, as the undersigned has a must-go criminal re-trial set that day in *United States v. Abdon*, a case that resulted in a mistrial the first time it was tried.

IT IS SO ORDERED.

DATED September 5, 2018.

s/ Michael J. Reagan _____
Michael J. Reagan
United States District Judge