

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANTONIO SALGADO,

Plaintiff,

v.

DR. SIDDIQUI,

Defendant.

Case No. 16-cv-268-JPG-SCW

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 25) of Magistrate Judge Stephen C. Williams recommending that the Court deny defendant Dr. Siddiqui’s motion (Doc. 20) to the extent it seeks summary judgment for failure to exhaust administrative remedies and grant it to the extent it seeks dismissal for failure to prosecute. The recommendation for dismissal is based on plaintiff Antonio Salgado’s failure to keep the Court apprized of his current address and failure to participate in this litigation since filing his Amended Complaint in April 2016.

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. However, the Court will decline to dismiss this action with prejudice in light of the fact that Salgado, who is proceeding *pro se*, has only failed to

inform the Court of his address for one change of address. Dismissal without prejudice is more appropriate. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc.25);
- **DENIES** the defendant's motion for summary judgment for failure to exhaust administrative remedies (Doc. 20);
- **GRANTS** the defendant's motion to dismiss for failure to prosecute (Doc. 20);
- **DISMISSES** this case **without prejudice** pursuant to Federal Rule of Civil Procedure 41(b);
- **DIRECTS** the Clerk of Court to enter judgment accordingly; and
- **DIRECTS** the Clerk of Court to send a copy of this order and the judgment in this case to the plaintiff at Lawrence Correctional Center, 10930 Lawrence Road, Sumner, IL 62466.

IT IS SO ORDERED.

DATED: May 31, 2017

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