

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

JAMES ABBOTT,

Plaintiff,

v.

DEPUTY LEMARR, *et al.*,

Defendants.

Case No. 3:16-cv-01105-JPG-RJD

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 38) of Magistrate Judge Reona J. Daly with regard to the defendants’ motion for summary judgment (Doc. 20). 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).

Here, the Court has received plaintiff’s objection to the report (Doc. 40), but the objection only re-states his claim that he needed stitches. 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. 38);
- **GRANTS IN PART and DENIES IN PART** the defendants’ motion for summary judgment (Doc. 20); and
- **DISMISSES WITH PREJUDICE** Deputy Tassone. The Court **DIRECTS** the Clerk of Court to terminate Deputy Tassone as a defendant in this case.

**IT IS SO ORDERED.**

**DATED: MARCH 23, 2018**

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