

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

LIONEL R. BEARD,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, *et al*,

Defendants.

Case No. 3:16-cv-01209-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendations (“Report”) (ECF No. 54) of Magistrate Judge Donald G. Wilkerson. The Court may accept, reject, or modify—in whole or in part—the findings or recommendations of a 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 underlying motion for summary judgment is about whether Beard has exhausted his administrative remedies. (ECF No. 22.) As the Report indicates—and as Beard admits—it is clear that he failed to file the required Standard Form 95 before filing this suit, so the Court must dismiss this case. (*See generally* ECF No. 54.) Beard has filed what he stylizes as an objection, but his objection does not address the legal or factual analysis in the Report. Accordingly, the Court:

- **ADOPTS** the Report in its entirety (ECF No. 54);
- **OVERRULES** Beard’s objection (ECF No. 56);
- **GRANTS** the Government’s motion for summary judgment (ECF No. 22); and

- **DISMISSES** defendant United States of America **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

DATED: AUGUST 28, 2018

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