

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

**DARIUS SADDLER,**

**Plaintiff,**

**v.**

**ALDRIGE, et al.,**

**Defendants.**

**No. 17-cv-0067-DRH**

**MEMORANDUM and ORDER**

**HERNDON, District Judge:**

Plaintiff Darrius Saddler brought this *pro se* action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983 (Doc. 1). According to the complaint, Saddler alleges that defendants were deliberately indifferent to his dental needs in violation of the Eighth Amendment. On February 21, 2017, the Court conducted its preliminary review of the complaint and referred the matter to Magistrate Judge Stephen C. Williams (Doc. 9).

Pursuant to 28 U.S.C. § 636(b)(1)(B), Magistrate Williams submitted a Report and Recommendation (“the Report”) on August 25, 2017 (Doc. 33). The Report recommends that the Court grant an oral motion to dismiss for lack of prosecution and dismiss this case with prejudice. Specifically, the Report found: “Plaintiff has shown no interest in prosecuting his suit as of late. He failed to appear for the two most recent hearings set by the Court. It is possible that Plaintiff has moved residences; however, if so, he has failed to file a Notice of Change of address

as required by the Court's merits review order. Regardless, the notices for each hearing were viewable to the public, and both notices warned Plaintiff of the consequences for failing to appear. The threshold order also specifically indicated that failure to notify the Court of a change of address could result in a dismissal." (Doc. 33, p. 3). The Report was sent to the parties with a notice informing them of their right to appeal by way of filing "objections" within 14 days of service of the Report. To date, none of the parties has filed objections. The period in which to file objections has expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Based on the reasons outlined in the Report, the Court **ADOPTS** the Report (Doc. 33). The Court **GRANTS** the oral motion for lack of prosecution and **DISMISSES with prejudice** this case of action for failure to prosecute. Further, the Court **DIRECTS** the Clerk of the Court to enter judgment in favor of defendants and against plaintiff.

**IT IS SO ORDERED.**

*David Herndon*



Judge Herndon

2017.09.12

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**United States District Judge**