

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

JARRETT MCDOUGLE,

Plaintiff,

v.

RICHARD WATSON, PHILLIP
MCLAURIN, THOMAS TRICE, NANCY
SUTHERLAND, and LEVI BRIDGES,

Defendants.

Case No. 3:17-cv-00091-JPG-DGW

MEMORANDUM & ORDER

J. PHIL GILBERT, DISTRICT JUDGE

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 28) of Magistrate Judge Donald G. Wilkerson with regard to the Defendants’ Motion for Judgment on the Pleadings (Doc. 17). 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, plaintiff has filed what he styles as an objection, but that document does nothing more than reassert the claims in his complaint: that the “St. Clair County Sheriff Dept. violated [his] Eighth & Fourteenth Amendment [rights]” and that he was “subject to poor living conditions”. (Doc. 29.) A reiteration of claims in the complaint is not a proper objection that requires a *de novo* review of the Report. Regardless, the Court has reviewed the Report for clear error and agrees with Magistrate Judge Wilkerson’s recommendation that (1) the statute of

limitations on plaintiff's claim expired at least a year before plaintiff filed his claim, and (2) there is no reason to grant plaintiff's request for equitable or statutory tolling. Accordingly, the Court:

- **ADOPTS** the Report in its entirety (Doc. 28);
- **CONVERTS** the Motion for Judgment on the Pleadings (Doc. 17) to a Motion for Summary Judgment;
- **GRANTS** the Motion for Summary Judgment (Doc. 17);
- **DISMISSES** this action with prejudice; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: DECEMBER 6, 2017

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