

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

LARRY R. SCHOLLMAYER,

Plaintiff,

v.

Case No. 3:17-cv-00407-JPG-RJD

OFFICER LIND, JOHN DOE #1, and  
MADISON COUNTY SHERIFF'S  
DEPARTMENT,

Defendants.

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 22) of Magistrate Judge Reona J. Daly with regard to the defendants’ motion to dismiss (Doc. 15). 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 no objection to the Report. 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. 22);
- **GRANTS** the defendants’ motion to dismiss (Doc. 15); and
- **DISMISSES with prejudice** Count II of the complaint (Doc. 1). The Court **DIRECTS** the Clerk of Court to terminate Madison County Sheriff’s Department as a defendant in this case.

**IT IS SO ORDERED.**

**DATED: FEBRUARY 7, 2018**

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