

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

HENRY L. TOWNES,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 17-cv-651-MJR-SCW
)	
ALFONSO DAVID, TAMMIE)	
PITTAYATHIKHAN, KAREN SMOOT,)	
JEFFERY DENNISON, and MATTHEW)	
SWALLS)	
)	
Defendants.)	

**ORDER ADOPTING REPORT & RECOMMENDATION AND
GRANTING MOTIONS FOR SUMMARY JUDGMENT**

REAGAN, Chief Judge:

Henry L. Townes filed suit, as limited by the Court’s threshold order (Doc. 7), against Defendants David, Pittayathikhan, Smoot, and Dennison alleging that they were deliberately indifferent to his serious medical needs. On August 9, 2017, Defendant Matthew Swalls, in his official capacity as Warden of Vienna Correctional Center, was added to the suit for purposes of carrying out injunctive relief. (Doc. 27). On January 8, 2018, Defendants David, Pittayathikhan, Smoot, and Swalls moved for summary judgment, arguing that Townes failed to exhaust his administrative remedies as to the claims against them. (Docs. 41, 44). Magistrate Judge Stephen C. Williams held an evidentiary hearing on the motions and, pursuant to 28 U.S.C. § 636(b) submitted a detailed Report & Recommendation (Doc. 65) to the undersigned District Judge on July 6, 2018. The report recommends granting the motions for summary judgment and

dismissing Townes' claims against the defendants with prejudice due to his dishonest conduct in modifying a piece of evidence presented at the hearing.

The Report and Recommendation clearly states that any objections to Judge Williams' recommendation were due by July 27, 2018. No objections were filed by that deadline, nor did either party move for additional time to file objections. Accordingly, this Court need not conduct a *de novo* review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified findings or recommendations to which objection is made."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions").

Accordingly, the Court **ADOPTS** in its entirety Magistrate Judge Williams's Report & Recommendation (Doc. 65) and **GRANTS** the motions for summary judgment filed by Defendants David and Pittayathikhan (Doc. 41) and Defendants Smoot and Swalls (Doc. 44). All claims as to those Defendants are **DISMISSED with prejudice**. As Defendant Dennison did not move for summary judgment, the claims against him remain pending.

IT IS SO ORDERED.

DATED: August 8, 2018

s/Michael J. Reagan
MICHAEL J. REAGAN
Chief Judge
United States District Court