

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

MICKEY DEANGELO MASON,

Plaintiff,

v.

No. 17-cv-867-DRH-RJD

WILLIAM SPILLER, et al.,

Defendants.

MEMORANDUM and ORDER

HERNDON, District Judge:

This matter comes before the Court on the Report and Recommendation (“the Report”) issued by Magistrate Judge Reona J. Daly on May 7, 2018 (doc. 48). The Report recommends that the Court deny plaintiff’s motions for transfer (doc. 17) and for preliminary injunction (doc. 18). Both motions request that plaintiff be transferred from Menard Correctional Center (“Menard”) due to harassment and retaliatory behaviors by IDOC staff. The Court **ADOPTS** the Report (doc. 48) in its entirety and **DENIES** the motions for transfer and for preliminary injunction.

Concisely, plaintiff Mason brought this pro se action for deprivation of his constitutional rights while incarcerated at Menard, pursuant to 42 U.S.C. § 1983.

The Court screened Mason's complaint pursuant to 28 U.S.C. § 1915A and plaintiff is proceeding on the following claim:

Count 1 – Eight Amendment deliberate indifference claim against the Orange Crush Officers and Spiller for using excessive force against Plaintiff on April 1, 2016.

In the two motions addressed by the Report, plaintiff complains of actions by IDOC staff including alleged mail tampering, denial of the grievance process, and denial of access to the law library, among others. However, at the hearing held regarding the preliminary injunction motion, plaintiff reneged on all purported issues and would like to be transferred simply due to defendant being employed at Menard.

After the hearing, Magistrate Daly issued her Report pursuant to 28 U.S.C. § 636(b)(1)(B), recommending the Court deny the pending motions as plaintiff failed to show and prove the necessary elements needed to grant a preliminary injunction. *See* doc. 48 at 3. Additionally, there is no relationship between the relief requested and the claims pending in the case. *Id.* 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 the Report. To date, none of the parties 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 a *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Accordingly, the Court **ADOPTS** the Report (doc. 48) and **DENIES** the pending motion to transfer (doc. 17) and motion for preliminary injunction (doc. 18).

IT IS SO ORDERED.

David Herndon



Judge Herndon

2018.06.01

11:30:40 -05'00'

United States District Judge