

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

JUAN MAIDEN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 17-CV-874-NJR-DGW
)	
WILLIAM P. HARRIS,)	
)	
Defendants)	

MEMORANDUM AND ORDER

ROSENSTENGEL, District Judge:

Plaintiff Juan Maiden, an inmate in the Illinois Department of Corrections, alleges that on September 24, 2016, while he was working as a cook in the kitchen at Pinckneyville Correctional Center, he stepped on a broken floor grate and his foot went through the grate, causing him to fall into a hot kettle and burn his arm. Maiden further alleges that Defendant William Harris, the Dietary Manager at Pinckneyville, knew about the broken floor grate for over a year but refused to have it repaired or replaced. Maiden is proceeding in this lawsuit on an Eighth Amendment deliberate indifference claim against Defendant Harris.

Defendant Harris filed a motion for summary judgment in June 2018, arguing that Maiden failed to exhaust his administrative remedies prior to filing suit as required by the Prison Litigation Reform Act (Doc. 17). Magistrate Judge Wilkerson issued a Report and Recommendation on November 28, 2018, which is currently before the Court, recommending that Defendant Harris's motion for summary judgment be denied

(Doc. 24). Harris did not file an objection to the Report and Recommendation by the deadline on December 17, 2018 (*see* Doc. 24).

Because no party has filed an objection, the undersigned need not undertake *de novo* review. 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*”) (emphasis added). *See also Thomas v. Arn*, 474 U.S. 140 (1985); *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 741 (7th Cir. 1999); *Video Views, Inc. v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986).

The undersigned accordingly **ADOPTS** in its entirety Magistrate Judge Wilkerson’s Report and Recommendation (Doc. 24). Defendant William P. Harris’s motion for summary judgment on the issue of exhaustion (Doc. 17) is **DENIED**.

IT IS SO ORDERED.

DATED: December 26, 2018



NANCY J. ROSENSTENGEL
United States District Judge