

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

ANDREW WALKER,

Plaintiff,

v.

NURSE PRACTITIONER MCGLORN,  
AIMEE LANG, and GAIL WALLS,

Defendants.

Case No. 3:17-CV-933-NJR-RJD

**MEMORANDUM AND ORDER**

**ROSENSTENGEL, Chief Judge:**

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Reona J. Daly (Doc. 64), which recommends granting the motions for summary judgment filed by Defendants Sharon McGlorn, Aimee Lang, and Gail Walls (Docs. 51, 54).<sup>1</sup>

Plaintiff Andrew Walker filed this lawsuit on August 31, 2017, pursuant to 42 U.S.C. § 1983, alleging his constitutional rights were violated while he was incarcerated at Menard Correctional Center (Doc. 1). Specifically, Walker alleges Defendants were deliberately indifferent to his serious medical needs when they persisted in a course of treatment known to be ineffective with regards to his

---

<sup>1</sup> The Clerk of Court is **DIRECTED** to correct Nurse Practitioner McGlorn's name to Sharon McGlorn and Amy Lang to Aimee Lang.

gastrointestinal symptoms. Walker claims his symptoms were due to the soy diet served at Menard.

On February 7, 2019, McGlorn filed a motion for summary judgment arguing that Walker has not shown he suffers from an objectively serious medical condition when he has never been diagnosed with a soy allergy, and his only complaints are of minor weight loss, cramping, bloating, and constipation (Doc. 51). Even assuming he did suffer from an objectively serious condition, McGlorn argues, she did not ignore his complaints and provided completely appropriate treatment (*Id.*). Walls and Lang also moved for summary judgment, arguing there is no evidence that Walker had a serious medical need or that either Defendant disregarded Walker's concerns (Doc. 54).

On May 13, 2019, Judge Daly entered the Report and Recommendation currently before the Court (Doc. 64). Judge Daly recommends the undersigned grant Defendants' motions, as there is no evidence that Walker suffers from an objectively serious medical condition or that Defendants acted with deliberate indifference. Objections to the Report and Recommendation were due May 27, 2019. 28 U.S.C. §636(b); SDIL-LR 73.1(b). No objections were filed.

Where timely objections are filed, this Court must undertake a *de novo* review of the Report and Recommendation. 28 U.S.C. 636(b)(1)(B), (C); FED. R. CIV. P. 72(b); SDIL-LR 73.1(b); *Harper v. City of Chicago Heights*, 824 F. Supp. 786, 788 (N.D. Ill. 1993); *see also Govas v. Chalmers*, 965 F.2d 298, 301 (7th Cir. 1992). Where neither timely nor specific objections to the Report and Recommendation are made, however, this Court need not conduct a *de novo* review of the Report and Recommendation. *See Thomas v. Arn*, 474 U.S.

140 (1985). Instead, the Court should review the Report and Recommendation for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The Court may then “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

While a *de novo* review is not required here, the Court has carefully reviewed the evidence and Judge Daly’s Report and Recommendation for clear error. Following this review, the Court fully agrees with her findings, analysis, and conclusions.

Having found no clear error, the Court **ADOPTS** Judge Daly’s Report and Recommendation (Doc. 64). The Motion for Summary Judgment filed by Defendant Sharon McGlorn (Doc. 51) is **GRANTED**. The Motion for Summary Judgment filed by Defendants Aimee Lang and Gail Walls (Doc. 54) also is **GRANTED**. Plaintiff Andrew Walker’s claims are **DISMISSED with prejudice**, and the Clerk of Court is **DIRECTED** to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: June 4, 2019**



---

**NANCY J. ROSENSTENGEL**  
**U.S. Chief District Judge**