

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

JAMES C. JENNINGS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 17-cv-1220-MJR-MAB
)	
MR. GARNER, ¹)	
SHERRY BENTON,)	
and JEANNETTE COWAN,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE WITH PREJUDICE

REAGAN, Chief Judge:

This is a prisoner civil rights lawsuit under 42 U.S.C. 1983, filed by James Jennings when he was incarcerated at Shawnee Correctional Center (he has since been released from custody), and presenting claims under the Eighth and Fourteenth Amendments to the United States Constitution. Surviving threshold review of the complaint was Plaintiff’s Eighth Amendment failure-to-protect claim against three Defendants – Garner (Gardiner), Benton, and Collins. These three Defendants moved to dismiss this case under Federal Rule of Civil Procedure 41(b) for want of prosecution by Plaintiff (Doc. 50).

The Magistrate Judge then assigned to the case (the Honorable Stephen C. Williams) held a hearing on the motion and issued a Report and Recommendation thereon (Doc. 53, R&R). The R&R recommends that the undersigned District Judge grant

¹ Subsequent pleadings (e.g., Docs. 20, 27, 34) have identified “Mr. Garner” as Jeffrey Gardiner. The Clerk’s Office **shall correct the docket sheet** to reflect his updated name.

Defendants' motion and dismiss this entire case with prejudice based on Plaintiff's failure to prosecute (including his failure to appear for a settlement conference on December 7, 2018 despite his receiving notice clearly warning him that failing to participate would trigger dismissal of this lawsuit).

The R&R plainly stated that any objection must be *filed* by January 7, 2019. That deadline passed two days ago, with neither an objection nor a motion for extension of the deadline filed. Because no objection was lodged against the R&R, the undersigned need not conduct de novo review of the R&R. **28 U.S.C. 636(b)(1)(C) (A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.);** *Thomas v. Arn*, 474 U.S. 140 (1985); *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 741 (7th Cir. 1999); *Video Views Inc., v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986).

The Court **ADOPTS** in its entirety Judge Williams' R&R (Doc. 53), **GRANTS** Defendants' motion (Doc. 50), and **DISMISSES** this case with prejudice for want of prosecution. Judgment shall be entered in favor of Defendants and against Plaintiff.

IT IS SO ORDERED.

DATED January 9, 2019.

s/Michael J. Reagan
Michael J. Reagan
United States District Judge