

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

JAMES MUNSON,

Plaintiff,

v.

L. OVERALL, *et al.*,

Defendants.

Case No. 3:17-cv-01277-JPG-MAB

MEMORANDUM AND ORDER

J. PHIL GILBERT, DISTRICT JUDGE

Magistrate Judge Mark A. Beatty has issued a Report and Recommendations (“Report”) on the defendants’ motion for summary judgment. (ECF Nos. 58, 62, 83.) The Court may accept, reject, or modify—in whole or in part—the findings or recommendations of the magistrate judge in his Report. FED. R. CIV. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Here, Magistrate Judge Beatty has recommended that the Court grant parts of the aforementioned motions for summary judgment, and then dismiss defendants Overall, Litherland, and Henderson without prejudice. (ECF No. 83.) Defendants Newbold and Wexford Health Sources remain. Munson has filed a very brief objection to that, stating that he “stands by” his original argument. (ECF No. 88.) The Court accordingly has conducted a *de novo* review of the matter, and finds that Magistrate Judge Beatty’s Report is correct in its entirety. The Court does clarify for Munson, however, that two defendants still remain in the case. For these reasons, the Court:

- **ADOPTS** the Report in its entirety (ECF No. 83);
- **GRANTS IN PART** and **DENIES IN PART** the motion for summary judgment by defendants Litherland, Newbold, Overall, and Wexford (ECF No. 58);
- **GRANTS** defendant Henderson's motion for summary judgment (ECF No. 62);
- **DISMISSES WITHOUT PREJUDICE** the claims against defendants Overall, Litherland, and Henderson. The Court **DIRECTS** the Clerk of Court to terminate them as defendants in this case.

IT IS SO ORDERED.

DATED: MAY 17, 2019

s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE