

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

**JEFFREY H. EASTMAN,**

**Plaintiff,**

**v.**

**No. 18-cv-543-DRH-DGW**

**DR. DENNIS LARSON,**

**Defendant.**

**MEMORANDUM and ORDER**

**HERNDON, District Judge:**

**Introduction and Background**

Pending before the Court is a July 25, 2018 Report and Recommendation (“the Report”) issued by Magistrate Judge Donald G. Wilkerson (Doc. 38). Magistrate Judge Wilkerson recommends that the Court deny Eastman’s motion to stay (Doc. 36). The parties were allowed time to file objections to the Report. On August 9, 2018, Eastman filed an objection to the Report (Doc. 40). Based on the applicable law, the record and the following, the Court **ADOPTS** the Report in its entirety.

Plaintiff filed the pending motion on July 18, 2018 asking the Court to temporarily stay the case so that an attorney he contacted could review the file (Doc. 36, p. 1). As Magistrate Judge Wilkerson highlighted, this Court enjoys broad discretion in directing the course of discovery. *See* FED. R. CIV. P. 26;

*James v. Hyatt Regency Chicago*, 707 F.3d 775, 784 (7th Cir. 2013). Discovery can be stayed, however, if certain threshold or jurisdictional issues could be efficiently resolved prior to expensive discovery. *See Todd by Todd v. Merrell Dow Pharmaceuticals, Inc.*, 942 F.2d 1173, 1178 (7th Cir. 1991) (“Limiting discovery to a threshold issue is proper in a case that may be resolved upon summary judgment”); *Landstrom v. Illinois Dept. of Children and Family Services*, 892 F.2d 670, 674 (7th Cir. 1990) (approving a stay in discovery pending a ruling on qualified immunity).

### **Analysis**

The Court's review of the Report is governed by 28 U.S.C. § 636(b)(1), which provides in part:

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. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b) also directs that the Court must only make a *de novo* determination of those portions of the report and recommendation to which specific written objection has been made. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). If no objection or only a partial objection is made, the Court reviews those unobjected portions for clear error. *Id.* In addition, failure to file objections with the district court “waives appellate review of both factual and legal questions.” *Id.* Under the clear error standard, the Court can only overturn a Magistrate Judge's ruling if the Court is left with “the definite and firm

conviction that a mistake has been made.” *Weeks v. Samsung Heavy Indus. Co., Ltd.*, 126 F.3d 926, 943 (7th Cir. 1997).

Specifically, the Report found that:

As this court informed Plaintiff previously, no scheduling or discovery order has yet been entered in this case (Doc. 24, pp. 3-4). As there is no discovery to stay, and no jurisdictional or threshold issues pending, it is **RECOMMENDED** the Court **DENY** Plaintiff’s Motion to Stay. It is **FURTHER RECOMMENDED** the Court **ADVISE** Plaintiff that should an attorney enter on his behalf after a discovery or scheduling order is entered, the Court would entertain a motion to amend that order.

(Doc. 38, p. 3).

Here, the Court agrees with Magistrate Judge Wilkerson’s analysis in the Report. Eastman’s objection merely takes umbrage with the Report and the new events presented within do not change the fact that no scheduling or discovery order has been entered in this case (Doc. 24, pp. 3-4). Therefore, at this time Eastman’s motion to stay is premature.

### **Conclusion**

Accordingly, the Court **ADOPTS** the Report (Doc. 38). The Court **DENIES** Eastman’s motion to stay (Doc. 36) for the reasons given in the Report and Recommendation.

**IT IS SO ORDERED.**

  Judge Herndon  
2018.08.22 15:58:41  
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**United States District Court Judge**