

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RYAN MCMORRIS,

Plaintiff,

v.

J. WATERMAN, J. LABELLE, R.N.
EDGE, R.N. WOODS, and DENISE
STELPFLUG,

Defendants.

Case No. 16-CV-1417-JPS

ORDER

Plaintiff, who is incarcerated at the Fox Lake Correctional Facility, filed a *pro se* complaint under 42 U.S.C. § 1983, alleging that his civil rights were violated. (Docket #1). He consented to the jurisdiction of Magistrate Judge David E. Jones, who screened his complaint pursuant to 28 U.S.C. § 1915A and dismissed it. (Docket #9). On July 28, 2017, Judge Jones vacated that dismissal in light of *Coleman v. Labor and Industry Review Commission of the State of Wisconsin*, 860 F.3d 461 (7th Cir. 2017), in which the Court of Appeals held that magistrate judges may not dispose of claims in cases like this one, where only one side has consented to the magistrate's jurisdiction. (Docket #22).

That same day, Judge Jones reissued his earlier screening order as a report and recommendation to this Court, recommending that Plaintiff's complaint be dismissed for failure to state a claim upon which relief may be granted. (Docket #23 at 7). In the recommendation, Judge Jones warned Plaintiff that he must file written objections within fourteen days. *Id.* Failure to do so, he warned, would waive Plaintiff's right to appeal the

recommendation. *Id.*; see also 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2); Civ. L. R. 72(c)(2) (E.D. Wis.); *Thomas v. Arn*, 474 U.S. 140, 155 (1985).

As of the date of this Order, Plaintiff has filed nothing in response to Judge Jones' report and recommendation. Having independently reviewed the recommendation and having received no timely objection thereto, the Court will adopt it in full.

Accordingly,

IT IS ORDERED that Magistrate Judge David E. Jones' Report and Recommendation (Docket #23) be and the same is hereby **ADOPTED**;

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1) for failure to state a claim;

IT IS FURTHER ORDERED that the Clerk of Court document that this inmate has incurred a "strike" under 28 U.S.C. § 1915(g);

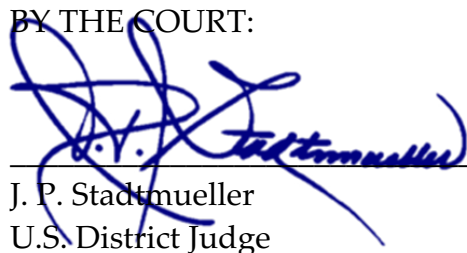
IT IS FURTHER ORDERED that a copy of this order be sent to the officer in charge of the agency where the inmate is confined; and

THE COURT FURTHER CERTIFIES that any appeal from this matter would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3) unless Plaintiff offers bona fide arguments supporting his appeal.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 18th day of August, 2017.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge