

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

WILLIAM O. SPIVEY,

Plaintiff,

vs.

CHAPLAIN LOVE, *et al.*,

Defendants.

Case No. 11-cv-327-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“R & R”) (Doc. 133) of Magistrate Judge Philip M. Frazier recommending that the Court deny defendants’ motions for summary judgment (Docs. 65 & 68), deny plaintiff’s motions for summary judgment (Docs. 79 & 90), and dismiss defendant John Doe. Defendant Rabbi Scheiman filed an objection (Doc. 134) to the R & R to which plaintiff filed a response (Doc. 137).

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *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). Pursuant to Local Rule 73.1(b), an objection “shall specifically identify the portions of the proposed findings, recommendations, or reports to which objection is made and the basis for the objections.”

Defendant Scheiman's objection simply expresses his desire to adopt any objection his co-defendants may file and generally prays that the Court grant his motion for summary judgment. Defendant Scheiman's co-defendants, however, did not file an objection. Further, he does not specify the portion of the order to which he objects or the basis for any objection. Accordingly, because defendant Scheiman's objection fails to meet the requirements of Local Rule 73.1(b), and the Court has received no other objection, the Court will review the R & R for clear error. The Court has reviewed the R & R and finds that it is not clearly erroneous.

Accordingly, the Court **ADOPTS** Magistrate Judge Frazier's R & R (Doc. 133) in its entirety. Specifically, this Court

1. **DENIES** defendants' motions for summary judgment (Docs. 65 & 68);
2. **DENIES** plaintiff's motions for summary judgment (Docs. 79 & 90); and
3. **DISMISSES** defendant John Doe from this action pursuant to Rule 4(m) and 41(b).

**IT IS SO ORDERED.**

**DATED:** October 23, 2012

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**