

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

DAVID HARPER,)
)
Plaintiff,)
)
vs.) Case No. 11-cv-0406-MJR-SCW
)
JASON HENTON,)
AARON MIDDLETON,)
JAMES OCHS,)
ELAINE HARDY,)
JAMES FENOGLIO,)
HELEN HAINES, and)
WEXFORD HEALTH SOURCES,)
)
Defendants.)

MEMORANDUM AND ORDER

REAGAN, District Judge:

David Harper filed suit in this Court in May 2011, alleging that prison officials failed to protect him from attack by his cell mate and were deliberately indifferent to his medical needs following that attack. Certain claims and Defendants were dismissed in the Court's threshold review Order in June 2012. The undersigned ordered service on the seven remaining Defendants and referred the case to the Honorable Stephen C. Williams, United States Magistrate Judge, to handle pretrial matters pursuant to Local Rule 72.1(a). Defendants entered, and the parties filed motions.

On October 22, 2012, three Defendants (Dr. James Fenoglio, Nurse Helen Haines, and Wexford Health Sources) moved for summary judgment on the deliberate indifference claims against them on the ground that Plaintiff had not exhausted his administrative remedies prior to filing this suit, as required by the Prison Litigation Reform Act, 42 U.S.C. 1997e(a). That Act provides that "[n]o action shall be brought

with respect to prison conditions under section 1983 ... until such administrative remedies as are available are exhausted.”

Plaintiff responded to Defendants’ summary judgment motion (Docs. 61-62) and by supplemental memorandum (Doc. 72). On November 30, 2012, Judge Williams submitted a Report recommending that the Court deny the pending summary judgment motion. The Report plainly notified the parties that they must file any objections “on or before December 17, 2012” (Doc. 71, p. 11, underlining in original).

That deadline has elapsed, and no objections were filed by any party. Accordingly, pursuant to 28 U.S.C. 636(b), the undersigned Judge need not conduct *de novo* review of the Report and Recommendations. **28 U.S.C. 636(b)(1)(C)**(“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.”). *See also 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 hereby **ADOPTS** the Report (Doc. 71), including Judge Williams’ detailed findings of fact and conclusions of law contained therein, in entirety.

The Court **DENIES** Defendants’ motion for summary judgment (Doc. 57).

IT IS SO ORDERED.

DATED December 18, 2012.

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