

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

DAVID L. BRIGGS,

Plaintiff,

v.

Case No. 11-cv-801-JPG

RANDY J. DAVIS, C/O CLARK, GREG
JAMES, LT. BRADLY, RONALD K.
WALLA, MAJOR EDWARDS, TONY
LEHR, BRETT A. KLINDWORTH,
MARCUS A. MYERS, GLADYSE C.
TAYLOR, and S.A. GODINEZ,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) (Doc. 29) of Magistrate Judge Philip M. Frazier recommending that the Court grant defendants’ motion to dismiss (Doc. 25). Plaintiff has failed to object to the R & R.

After reviewing a report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. *Id.* 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). A party must raise specific objections to the report and recommendation. Fed. R. Civ. P. 72(b). The term “specific as used in Rule 72(b) . . . require[s] a party only to specify each issue for which review is sought and not the factual or legal basis of the objection.” *Johnson*, 170 F.3d at 741.

The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. As such, the Court hereby **ADOPTS** the R & R (Doc. 29), which **GRANTS** defendants' motion to dismiss (Doc. 25). The Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: March 18, 2013

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