

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

ANTHONY WHEELER, )  
)  
Plaintiff, )  
)  
vs. ) Case No. 11-CV-839-MJR-SCW  
)  
WEXFORD HEALTH SOURCES, INC., )  
DENNIS LARSON, CHRISTINE )  
BROWN, ANGEL RECTOR, LOUIS )  
SHICKER, R. SHUTE, RANDY DAVIS, )  
DR. AGRAWAL, G. TAYLOR, PAT )  
QUINN, S.A. GODINEZ, JANET )  
ROBERTS, H. BRYANT, NURSE )  
MELVIN, P. DINETELMAN, ANGIE )  
BRUNS, DR. SHEPARD, DR. WAHL, )  
DR. SHAH, CRISEY FENTON, E. )  
BECKY, JACLYN O'DAY , )  
)  
Defendants. )

**MEMORANDUM AND ORDER**

**REAGAN, District Judge:**

On September 15, 2011, Plaintiff filed suit in this Court under 42 U.S.C. § 1983, alleging deprivations of his constitutional rights. This case went through threshold review in late July 2012. On October 3, 2012, pursuant to Federal Rule of Civil Procedure 4(m), Magistrate Judge Stephen Williams extended the time for Plaintiff Anthony Wheeler to serve (or provide additional information to effectuate service on) Defendants Bryant, Becky, and Shepard. Plaintiff was given until November 5, 2012, to do so, or else Magistrate Williams would “recommend that the unserved defendant(s) be

dismissed from the action as described in FEDERAL RULE OF CIVIL PROCEDURE 4(m).” (Doc. 141). The deadline passed without service on those three defendants, and without additional information to identify the defendants so that process may be served upon them. On November 15, 2012, Magistrate Judge Williams issued a Report and Recommendation (Doc. 165) recommending that Defendants Bryant, Becky and Shepard be dismissed from the case without prejudice pursuant to FEDERAL RULE OF CIVIL PROCEDURE 4(m). No objections have been filed.

Where neither timely nor specific objections to the Report and Recommendation are made, pursuant to 28 U.S.C. § 636(b), the Court need not conduct a *de novo* review of the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985). While a *de novo* review is not required here, the Court has considered the record and Magistrate Judge William’s Report and Recommendation and fully agrees with the findings, analysis, and conclusions of Magistrate Judge Williams. The Court concludes that Plaintiff has failed to properly prosecute as required by FEDERAL RULE OF CIVIL PROCEDURE 4(m) and to comport with the Notice entered by Magistrate Judge Williams on October 3, 2012.

The Court **ADOPTS** Magistrate Judge William’s Report and Recommendation (Doc. 165) and **DISMISSES** Defendants **H. Bryant, E. Becky, and Dr. Shepard WITHOUT PREJUDICE.**

**IT IS SO ORDERED.**

DATED: April 5, 2013

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