

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

SYLAS MOBLEY, #K83512)
)
 Plaintiff,)
)
 v.)
) Cause No. 3:11-cv-954-JPG-PMF
DR. GARDNER,)
)
 Defendant.)

MEMORANDUM AND ORDER

This matter comes before the Court on the defendant's Motion for Leave to File Objections to Report and Recommendations (Doc. 54). The defendant believes his objections were due October 24, 2013, and that the Court ruled prematurely in adopting the Report and Recommendation on October 22, 2013 (Doc. 54). He is correct. The statute authorizing objections to a magistrate judge's recommendation on a dispositive motion, 28 U.S.C. § 636, the Federal Rule of Civil Procedure, Rule 72(b)(2), and a similar local rule, SDIL Local Rule 73.1(b), allow a party fourteen days after service of the order to file objections. Because the date is from *service* of the order, not *issuance* or *entry* on the docket, three extra days are allowed pursuant to Federal Rule of Civil Procedure 6(d). The Court neglected to consider these additional three days. Accordingly, the Court **GRANTS** the Motion, **VACATES** the Memorandum and Order denying the Motion for Summary Judgment (Doc. 53), **REINSTATES** the Motion for Summary Judgment (Doc. 45), and **ORDERS** that the defendant shall have up to and including October 24, 2013, to file his objections.

IT IS SO ORDERED.

Dated: October 22, 2013

s/J. Phil Gilbert
J. Phil Gilbert
District Judge