

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

FILED

SEP 18 2001 *[Signature]*

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

**ASHOOR RASHO, FAYGIE FIELDS,
BRIAN NELSON, and ROBERT
BOYD, Individually and on behalf
of the plaintiff class,**

Plaintiffs,

vs.

**DONALD SNYDER, Jr., Director,
Illinois Department of Corrections,
WILLARD O. ELYEA, M.D., Medical
Director, Illinois Department of Corrections,
DENNIS HOPKINS, M.D., Chief of
Mental Health Services, Illinois
Department of Corrections,
GEORGE E. DETELLA, Associate Director,
Illinois Department of Corrections,
GEORGE WELBORN, Warden,
Tamms Correctional Center,
MARVIN POWERS, M.D., Medical
Director, Tamms Correctional Center,
KELLY RHODES, Ph.D., Supervising
Clinical Psychologist, Tamms
Correctional Center,
RAKESH CHANDRA, M.D., Psychiatrist,
Tamms Correctional Center, and
ILLINOIS DEPARTMENT OF CORRECTIONS,
a public entity,**

Defendants.

No. 00-CV-0528-DRH

MEMORANDUM AND ORDER

Herndon, District Judge:

On July 6, 2000, the Plaintiffs, a group of prison inmates held at Tamms Correctional Center, filed this action complaining of the terms and conditions of their confinement. (Doc. 1).

The Defendants moved to dismiss the Complaint on various grounds. On August 2, 2001, Magistrate Judge Clifford Proud submitted a Report and Recommendation (“the Report”) pursuant to **28 U.S.C. §636(b)(1)(B)**. (Doc. 48). The Report recommends that this Court grant in part and deny in part the Defendants’ motion to dismiss, based *inter alia* on the plaintiffs’ failure to allege the personal involvement of some defendants, the Court’s lack of jurisdiction, and the failure to state a claim upon which relief can be granted.

The Report was sent to the parties with a notice informing them of their right to appeal by way of filing “objections” within ten days of service of the Report. To date, neither party has filed objections.¹ The period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. §636(b)**, this Court need not conduct *de novo* review. *Thomas v. Arn*, **474 U.S. 140, 149-52 (1985)**.


Accordingly, the Court **ADOPTS** the Report (Doc. 48). The Defendants’ motion to dismiss (Doc. 9) is **GRANTED IN PART** and **DENIED IN PART**. The claims for monetary damages set forth in Count I against all defendants except Marvin Powers, M.D., are **DISMISSED**. All claims for money damages in Counts II and III, only insofar as they are sought for mental or emotional injuries, are **DISMISSED**; Counts II and III shall proceed insofar as the Plaintiffs seek other remedies. All claims against defendants Donald Snyder, George DeTella, Willard O. Ellyea, M.D., Dennis Hopkins, M.D., and George Welborn, in their individual capacities, as set forth in Counts I, II, and III, are **DISMISSED**. Count III (Due Process) is **DISMISSED** entirely, for failure to state a claim upon which relief can be granted. Count IV (Americans with Disabilities Act) is

¹The failure to file objections with the district judge waives the right to appeal all issues, both factual and legal. *See Video Views, Inc. v. Studio 21, Ltd.*, **797 F.2d 538, 539 (7th Cir. 1986)**; *Lorenzten v. Anderson Pest Control*, **64 F.3d 327, 330 (7th Cr. 1995)**, *cert. denied* **517 U.S. 1136 (1996)**.

DISMISSED entirely, for lack of jurisdiction. No Defendant is dismissed out of the entire case.

IT IS SO ORDERED.

Signed this 18th day of September, 2001.



DAVID R. HERNDON
United States District Judge