

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

**FILED**

SEP 18 2001

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). Although all the defendants together filed one motion to dismiss, this Memorandum and Order takes up another motion to dismiss filed by two of those defendants, Marvin Powers and Rakesh Chandra. (Doc. 11). On August 2, 2001, Magistrate Judge Proud issued a Report and Recommendation ("the Report") pursuant to 28 U.S.C. §636(b)(1)(B). (Doc. 47). The Report recommends that this Court


grant in part and deny in part Powers' and Rakesh's motion to dismiss, based *inter alia* on the plaintiffs' failure to exhaust administrative remedies, and their failure to allege the direct, personal involvement of these defendants.

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.<sup>1</sup> 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. 47). Powers' and Rakesh's motion to dismiss (Doc. 11) is **GRANTED IN PART** and **DENIED IN PART**. The individual capacity claims against Chandra in Counts I, II, and III are **DISMISSED**. Defendant Powers remains as a defendant in his individual capacity in Count I only, and only as to the allegation that he delayed stitching up Boyd's cut, and that he allegedly mis-prescribed the drug Inderal for Nelson (Doc. 1, p. 25, ¶73; Doc. 1, pp. 27-28, ¶81). All individual capacity claims against Powers in Counts II and III are **DISMISSED**.

**IT IS SO ORDERED.**

Signed this 18<sup>th</sup> day of September, 2001.

  
DAVID R. HERNDON  
United States District Judge

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<sup>1</sup>The 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 (7<sup>th</sup> Cir. 1986); *Lorenzten v. Anderson Pest Control*, 64 F.3d 327, 330 (7<sup>th</sup> Cr. 1995), cert. denied 517 U.S. 1136 (1996).