

**NOT FOR PUBLICATION**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

HASSAN CHERRY,

Plaintiff,

v.

COUNTY OF MIDDLESEX, et al.,

Defendants.

CIVIL ACTION NO. 09-1499 (MLC)

**O P I N I O N**

**THE DEFENDANTS** County of Middlesex New Jersey, Middlesex County Adult Correction Center, Edward Cicchi (sued here as ("s/h/a") "Edward Chicchi"), Mark Rodziewicz (s/h/a "M. Rodziewicz"), Paul DeAmicis (s/h/a "Paul M. De Amicis"), Richard Christiansen (s/h/a "R. Christiansen"), and Connie W. Barth (s/h/a "C. Barth") (collectively, "Middlesex Defendants") move to dismiss the Second Amended Complaint insofar as it is asserted against them. (Dkt. entry no. 89, Middlesex Defs.' Mot.; see also dkt. entry no. 61, 2d Am. Compl.) The remaining defendants, through a series of separately filed motions, also move to dismiss the Second Amended Complaint insofar as it is asserted against them. (See dkt. entry no. 91, Graffagnino Mot.; dkt. entry no. 92, Freeholder Defs.' Mot.; dkt. entry no. 93, Shapiro Mot.; dkt. entry no. 94, Delanoy Mot.; dkt. entry no. 95, Brown & Bavosa Mot.; dkt. entry no. 96, Napravnik Mot.)

Those defendants join in the brief by the Middlesex Defendants. (See Graffagnino Mot. at 2; Freeholder Defs.' Mot. at 2; Shapiro Mot. at 2; Delanoy Mot. at 2; Brown & Bavosa Mot. at 2; Napravnik Mot. at 2.)

**THE PLAINTIFF**, Hassan Cherry, failed to oppose the several motions. Cherry is represented by counsel, Attorney Gerald Gordon.

**THE COURT** referred the several motions to the Magistrate Judge for a Report & Recommendation. (See text entry immediately before dkt. entry no. 97.) The Magistrate Judge thereafter issued the Report & Recommendation. (Dkt. entry no. 98, R&R.) The Magistrate Judge, upon consideration of the facts of this case in light of Poullis v. State Farm Fire & Cas. Co., 747 F.2d 863 (3d Cir. 1984), recommends that the Court grant each motion and dismiss the Second Amended Complaint with prejudice. (See generally R&R.)

**THE COURT** now considers the Report & Recommendation without oral argument pursuant to Local Civil Rules 72.1(c)(2) and 78.1(b). Neither the plaintiff nor the defendants have objected to the Report & Recommendation. It thus appears that the parties agree with the Magistrate Judge's findings and conclusions. It also appears, upon the Court's independent review of the Report & Recommendation, that the Magistrate Judge thoroughly reviewed the record in this action and correctly

concluded that the Second Amended Complaint should be dismissed with prejudice.

**THE COURT**, for good cause appearing, will thus issue an appropriate Order and Judgment.

s/ Mary L. Cooper  
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**MARY L. COOPER**  
United States District Judge

Date: September 5, 2012