McCain v. Wetzel et al Doc. 339

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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| **AMIR HAKIM MCCAIN a/k/a JOHN MCCAIN,** | : | **Civ. No. 1:12-cv-0789** |
| **Plaintiff,** | : | |
| **v.** | : | **Judge Rambo** |
| **JOHN E. WETZEL, *et al.*,** | : | **Magistrate Judge Schwab** |
| **Defendants.** | : | |

**M E M O R A N D U M**

Before the court is a report and recommendation filed by the magistrate judge in which she recommends that Plaintiff John McCain's motion for summary judgment on the remaining issues be denied. (Doc. 335.) No objection to the report and recommendation has been filed. The report and recommendation is ripe for disposition.

McCain filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. (Doc. 1.) After several reports and recommendations, the only remaining claim is an Eighth Amendment sexual abuse claim against Defendant Roegner. The magistrate judge found that McCain is not entitled to judgment as a matter of law because there are genuine issues of disputed material facts in this case. McCain himself acknowledged that there are disputed facts. (Doc. 325 at pp. 2, 3, 4 & 5.)

Based on the foregoing, the report and recommendation will be adopted.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: July 5, 2016

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