

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

DAWN L. BROWN,	:	CIVIL ACTION NO. 1:14-CV-201
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, et al.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 27th day of February, 2017, upon consideration of the report (Doc. 42) of Magistrate Judge Karoline Mehalchick, recommending that the court grant the motion (Doc. 29) for summary judgment filed by defendants Jonathan Hepner, Brian Hoerner, James Meintel, and the Pennsylvania Department of Corrections, wherein the magistrate judge opines that plaintiff Dawn L. Brown (“Brown”) has failed to adduce evidence to survive Rule 56 scrutiny with respect to her claim for unlawful retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2000e-17, and the Pennsylvania Human Relations Act, 43 PA. STAT. & CONS. STAT. ANN. §§ 951-963, and specifically concludes that a reasonable juror could not find, on the record *sub judice*, that defendants’ non-retaliatory reasons for taking adverse employment action against Brown were mere pretext for unlawful retaliation, and it appearing that Brown did not object to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the

district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court in agreement with Judge Mehalchick’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 42) of Magistrate Judge Mehalchick is ADOPTED.
2. The motion (Doc. 29) for summary judgment by defendants Jonathan Hepner, Brian Hoerner, James Meintel, and the Pennsylvania Department of Corrections is GRANTED.
3. Entry of judgment pursuant to paragraph 2 is DEFERRED pending final resolution of this litigation.
4. This matter is REMANDED to Magistrate Judge Mehalchick for further pretrial proceedings with respect to the remaining defendant in this action.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania