

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

<b>RAFIYQ DAVIS,</b>	:	<b>CIVIL NO. 1:CV-14-01423</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Rambo)</b>
	:	
<b>v.</b>	:	
	:	
<b>SUPERINTENDENT MOONEY,</b>	:	<b>(Chief Magistrate Judge Schwab)</b>
<i>et al.,</i>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

For the reasons set forth in the accompanying memorandum, **IT IS**  
**HEREBY ORDERED THAT** the Report and Recommendation (Doc. 84),  
addressing Defendants’ motion for summary judgment (Doc. 72), is **ADOPTED**  
**IN PART** and **REJECTED IN PART** as follows:

1) The recommendation that the motion for summary judgment (Doc. 72) on  
the Eighth Amendment claim for failure to protect against Defendant Williams be  
denied is **ADOPTED**.

2) The recommendation that the motion for summary judgment (Doc. 72) on  
the Eighth Amendment claim for failure to intervene against Defendants Benson  
and Kimbrel be denied is **ADOPTED**.

3) The recommendation that the motion for summary judgment (Doc. 72) on  
the First Amendment claim for retaliation against Defendant Hopwood be denied

is **REJECTED**. Instead, Plaintiff's claim of retaliation against Defendant Hopwood is **DISMISSED**.

4) The recommendation that the motion for summary judgment (Doc. 72) otherwise be granted is **ADOPTED**.

5) The recommendation that the claims asserted against Defendant Corrections Officer Trainee John Doe be dismissed is **ADOPTED**. Defendant Corrections Officer Trainee John Doe is **TERMINATED** as a party in this action.

6) The Clerk of Court is directed to **ENTER** judgment in favor of Defendants Superintendent Vincent Mooney, Deputy Miller, Deputy Lascavage, Intelligence Captain Stetler, Lieutenant Shife, Correctional Officer Hopwood, Correctional Officer Schell, Program Review Committee, Unit Manager Foulds, Counselor Rich Cory, Counselor Fetterman, and Lieutenant Carpenter and against Plaintiff.

7) A separate order will issue setting a trial date.

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

Dated: April 10, 2017.