

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

WAYNE LIDDICK,	:	Civil No. 1:14-cv-1813
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
BRENDA TRITT, et al.,	:	
	:	
Defendant.	:	Judge Sylvia H. Rambo

ORDER

Before the court is a report and recommendation filed by the magistrate judge. Objections were due on September 14, 2017, and, to date, none have been filed. Upon review of the report and recommendation and the law applicable to the issues in the case, **IT IS HEREBY ORDERED** as follows:

- 1) The report and recommendation is **ADOPTED**;
- 2) Summary judgment is **GRANTED** to defendants on the following issues for Liddick's failure to file a grievance:
 - a. September 12, 2012 re: CO Snyder
 - b. September 17, 2012 re: RN Shorts
 - c. September 17, 2012 re: CO Suzadail, CO Sierdzinski and RN Wilson
 - d. September 17, 2012 re: CO Sierdzinski
 - e. September 19, 2012 re: CO Suzadail
 - f. September 27, 2012 re: placement in MHU
 - g. October 20, 2012 re: placement in POC
 - h. October 23, 2012 re: legal documents
 - i. December 22, 2013 re: transfer from cell AA1001 to cell AA1014
- 3) Summary judgment is **GRANTED** as to Grievance # 428302 for failure to exhaust administrative remedies;

- 4) Summary judgment is **GRANTED** as to Grievance # 510007 for failure to name any of the defendants in the grievance;
- 5) Summary judgment is **GRANTED** as to CO Krah, CO Bresnock and Hearing Examiner Luquis on Plaintiff's First Amendment retaliation claim related to Misconduct B408555;
- 6) Summary judgment is **DENIED** as to the following claims:
 - a. First Amendment retaliation claim against CO Snyder regarding her alleged interference with Liddick's sick call visit on March 13, 2014;
 - b. First Amendment retaliation claim against CO Suzadail and CO Sierdzinski regarding the allegedly false Misconduct B408555 that they issued to Liddick on September 17, 2012;
 - c. Fourteenth Amendment due process claim against CO Krah, CO Bresnock, and Hearing Examiner Luquis for allegedly refusing to allow Liddick to call witnesses, present evidence, and have an impartial hearing examiner for his hearing on Misconduct B408555;
 - d. First Amendment retaliation claim against CO Montemurno regarding the allegedly false Misconduct B400721 that she issued to Liddick on April 5, 2014;
- 7) Jury selection and trial in this matter will commence on **November 6, 2017 at 1:30 p.m.**

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

Dated: September 21, 2017