

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

|                                |   |                              |
|--------------------------------|---|------------------------------|
| RODNEY RIDER,                  | : | 1:18-cv-802                  |
| Plaintiff,                     | : |                              |
|                                | : | Hon. John E. Jones III       |
| v.                             | : |                              |
|                                | : | Hon. William I. Arbuckle III |
| ALBARO CASTRO, <i>et al.</i> , | : |                              |
| Defendants.                    | : |                              |

**ORDER**

**February 24, 2020**

**AND NOW**, upon consideration of the Report and Recommendation of United States Magistrate Judge William I. Arbuckle (Doc. 28), recommending that we grant in part and deny in part the Defendants’ Motion for Summary Judgment, with Plaintiff’s failure to protect claim against Defendant Castro as well as Plaintiff’s failure to provide adequate medical care claims against Defendants Castro and Knecht surviving summary judgment, and noting that Defendants filed objections (Docs. 36 and 37) to the report<sup>1</sup> to which the Plaintiff has responded (Doc. 38), and the Court finding Judge Arbuckle’s analysis to be thorough, well-

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<sup>1</sup> Where objections to a magistrate judge’s report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. *Supinski v. United Parcel Serv.*, Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing *Sample v. Diecks*, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). “In this regard, Local Rule of Court 72.3 requires ‘written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.’” *Id.* (citing *Shields v. Astrue*, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

reasoned, and fully supported by the record, and the Court further finding

Defendants' objections to be without merit<sup>2</sup> **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation of Magistrate Judge Arbuckle (Doc. 35) is **ADOPTED** in its entirety.
2. The Defendants' Motion for Summary Judgment (Doc. 28) is **GRANTED IN PART** and **DENIED IN PART** as follows:
  - a. Summary judgment is **DENIED** with respect to Plaintiff's failure to protect claim against Defendant Castro and Plaintiff's failure to provide adequate medical care claims against Defendants Castro and Knecht.
  - b. Summary judgment is **GRANTED** in all other respects.
  - c. The Clerk shall **TERMINATE** all Defendants with the exception of Defendants Castro and Knecht.
3. This matter is **REMANDED** to Magistrate Judge Arbuckle for the purposes of determining whether the parties are willing to submit to the jurisdiction of the Magistrate Judge for trial or whether the parties are

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<sup>2</sup> Defendants' submission contains no arguments that cause us to depart from the Magistrate Judge's appropriate reasoning and correct conclusions. Our review of the record in this matter confirms the Magistrate Judge's correct conclusion that genuine issues of material fact exist such that granting summary judgment on Plaintiff's failure to protect and failure to provide adequate medical care claims would be inappropriate.

interested in mediation with the Magistrate Judge. Judge Arbuckle shall report his findings to the undersigned.

s/ John E. Jones III

John E. Jones III

United States District Judge